



**Millennium
Development
Authority**

Economic Growth and Poverty Reduction



RESETTLEMENT POLICY FRAMEWORK FOR GHANA POWER COMPACT

GHANA COMPACT II

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MILLENNIUM DEVELOPMENT AUTHORITY
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BSP	Bulk Supply Point
ECG	Electricity Company of Ghana
EE-DSM	Energy Efficiency-Demand Side Management
EFOT	ECG Operational and Financial Turnaround
EI	Executive Instrument
EIF	Entry into Force
EPA	Environmental Protection Agency
ESIA	Environmental & Social Impact Assessment
ESP	Environmental and Social Performance
GC	Grievance Committee
GOG	Government of Ghana
GRIDCO	Grid Company of Ghana
GRM	Grievance Redress Mechanism
GWCL	Ghana Water Company Limited
ha	Hectares
IFC	International Finance Corporation
KV	Kilovolt
LV	Low Voltage
LVD	Land Valuation Division
m	Meters
MCA	Millennium Challenge Account
MCC	Millennium Challenge Corporation
MiDA	Millennium Development Authority
APM	Access Project Manager
CFO	Chief Financial Officer
COMMs	Communication Directorate
DPD	Distribution Project Manager
EPM	EFOT Project Manager
ESPC	Environment & Social Performance Coordinator
F & B	Finance & Budget Manager
GC	General Counsel
HR	MiDA Human Resource Manager
M & E	MiDA Monitoring & Evaluation
MIDRS	MiDA Internal Dispute Resolution System
MMDAs	Metropolitan, Municipal and District Assemblies
MSME	Micro, Small and Medium Enterprises
NEDCO	Northern Electricity Distribution Company
NFOT	NEDCo Financial & Operational Turnaround
NGO	Non-Governmental Organization
OH	Overhead
OP	Operational Policy
PAP	Project Affected Person
PS 5	Performance Standard 5
PSAC	Permanent Site Advisory Committee

RAP	Resettlement Action Plan
RIA	RAP Implementation Assistant
RMT	Resettlement Management Team
ROW	Right-of-way
RPF	Resettlement Policy Framework
SAD	Sub-Activity Description
ST	Sub-Transmission
UG	Underground
V	Volts
WB	World Bank

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1.0 Project Description

1.1 Background

This RPF presents the guiding resettlement policies and procedures that must be adopted under the applicable requirements of the GoG and the MCC's Policy on Involuntary Resettlement, including the requirements and guidance provided in the International Finance Corporation's (IFC's) Performance Standard 5 (PS 5) on land acquisition and involuntary resettlement. For the purposes of this document, the term "involuntary resettlement" refers both to physical displacement (relocation of shelter or business) and to economic displacement (loss of assets or access to assets) that leads to loss of income sources or other means of livelihood as a result of Sub-Activity-related land acquisition and/or restrictions on land use).

Involuntary resettlement is the biggest risk in the Ghana Compact II projects and sub-activities. It has the potential to adversely impact the livelihoods of individuals and communities in project areas, result in temporary and or permanent displacement of people (termed 'project-affected persons or PAPs), and could delay project timelines if not planned and managed properly.

This document is a principle-based framework and will guide future resettlement activities, including resettlement action plans (RAPs). It will be revised as necessary to reflect changes in project activities and sub-activities and changes in designs and project implementation. One such area that will be subject to review would be the NEDCo Project activities and sub-activities which presently and subject to due-diligence and re-design.

Ghana Compact II consists of six projects. These include:

- ECG Financial and Operational Turnaround Project, EFOT
- NEDCo Financial and Operational Turnaround Project, NFOT
- Regulatory Strengthening and Capacity Building Project
- Access Project
- Power Generation Sector Improvement Project
- Energy Efficiency and Demand Side Management Project

The ECG Financial and operational turnaround (EFOT) and the NEDCo Financial and Operational Turnaround Projects and the Access project have the potential to result in involuntary resettlement of affected individuals and businesses.

The objective of the EFOT project is to improve the quality and reliability of electricity through reduced outages and cost-effective service delivery by ECG, reduce aggregate technical, commercial and collections losses, and to ensure ECG can serve as a creditworthy and credible off-taker under power purchase agreements. Technical and infrastructure components of planned interventions include the following:

- Bulk Supply Point (BSP) substation construction
- Primary substation construction
- Underground cables, installation of insulated cables underground
- Sub-transmission lines
- Medium Voltage (MV) transmission lines
- Low Voltage (LV) transmission lines
- LV feeder bifurcation

Approximately 6500km of power distribution lines will be constructed and or upgraded as part of interventions under the EFOT project. It is important to note that the exact locations for sitting infrastructure for power distribution such as BSP, substations and distribution lines may change subject to internal planning and scheduling within ECG.

Most involuntary resettlement associated with the distribution sub-activities will be caused by the construction and/or the modification of distribution lines. These lines are frequently located within the existing 6-meter-wide utility corridors located on both sides of most public roads in Ghana. The utility corridors provide opportunities to maintain multiple linear utility facilities within a single right-of-way (ROW).

1.1.1 The Northern Electricity Distribution Company Financial and Operational Turnaround Project

The NEDCo Financial and operational turnaround Project consists of the same categories of Activities and many of the same interventions as have been presented above for the ECG financial and operational turnaround project. However, given the different starting condition and outlook for NEDCo, there are some differences in approach.

The NEDCo Financial and Operational Turnaround Project will initially be confined to studies and technical assistance under the Private Sector Participation and Modernizing Utility Operations Activities below until the prospect of achieving an acceptable economic rate of return (ERR) can be demonstrated to the satisfaction of MCC, at which point the balance of the funding allocated to the NEDCo Financial and Operational Turnaround Project under the Multi-year Financial Plan may be disbursed. Disbursements would be for the purpose of implementation of a set of strategic investments that satisfy standard MCC criteria for cost effectiveness, convey broad participation in the generation of incremental added value among beneficiaries, and meet other MCC environmental and social screening criteria.

NEDCO Activities at the moment are therefore not clearly defined since MCC and MIDA are still studying the situation and planning to carry out due diligence on possible activities to be included in the NFOT.

1.1.2 The Access Project

Access project sub-activities will trigger involuntary resettlement when operators in markets and economic enclaves are compelled to move temporarily (economic displacement) or permanently (physical displacement) to make way for laying of cables, planting of new poles or replacement of old ones. The objective of the Access Project is to improve access to reliable electricity among Micro, Small and Medium Enterprises in selected Markets and Economic Enclaves in urban and peri-urban areas in the ECG and NEDCo Target Regions.

It is common along many of Ghana's busy streets for vendors and shops to be located in structures that are frequently made out of steel shipping containers and other materials that found are within designated utility corridors along public roads. Some of these businesses, but by no means all, are legal in that they have received licenses from the local municipality, on the condition that they relocate if the corridors are needed for the placement of utilities such as distribution lines. It is not legal for people to live within the utility corridors. Although some illegal residences are likely in the more congested urban areas, involuntary resettlement requirements associated with the distribution sub-activities will primarily involve economic displacement—that is, loss of the place of work.

1.2 The Need for a Resettlement Policy Framework

Resettlement Action Plans (RAPs) for physical displacement and procedures to compensate for economic displacement cannot be prepared for any sub-activities at this stage because the final designs will be finalized only once Compact II has Entered-into-Force (EIF). Although representative locations of the sub-activities selected now are known, ECG continues to execute their development agenda. Consequently, some locations listed now may change by the time the Compact enters into force. For NEDCo, MCC and MiDA have had to take a second look at the projects currently proposed, so no sub-activities cannot be definitively delimited at this time.

For these reasons, this RPF has been prepared to specify how resettlement and compensation planning and implementation will proceed once individual sub-activities are selected and designed and when avoidance of displacement is not possible,.

This RPF describes the guiding resettlement policies and procedures that must be adopted under the applicable requirements of the Government of Ghana (GoG) and the requirements and guidance provided in the International Finance Corporation's (IFC's) Performance Standard 5 (PS 5) on land acquisition and involuntary resettlement.

Just as importantly, this RPF is intended to encourage designing specific sub-activities to minimize the loss of land and other immovable assets, to avoid physical displacement of residential and other structures as much as possible, and to minimize economic displacement given other technical, economic, financial, and environmental considerations.

A further objective of the RPF is to reduce the workload required to prepare the RAPs that will be needed for each sub-activity involving resettlement. By including in the RPF many of the policies, technical requirements, institutional arrangements and procedures needed to implement involuntary resettlement compliant with PS 5, RAP preparation can concentrate on assessing the specific impacts of each sub-activity, obtaining the information needed to assess requirements for compensation payments and other assistance, and developing appropriate time frames and budgets.

1.3 Sub-Activities Likely to Result in Involuntary Resettlement

Compact II will consist of six key projects which are a mix of capacity-building, organizational, technical, and operational improvements, as well as construction activities, with the overall objectives of substantially improving the performance of the Ghanaian power sector. The infrastructure projects that are likely have involuntary resettlement impacts fall under the three projects listed below;

- ECG Financial and Operational turnaround project
- NEDCo Financial and Operational Turnaround Project
- Access Project

1.3.1 ECG Sub-activities

- Low voltage bifurcation¹ and network improvement
- Installation of Bulk Supply Point

¹Low voltage bifurcation segments large circuits into multiple smaller ones. This is to reduce the length of the 440 volt (LV) circuits (segmenting large circuits into multiple smaller ones) to ensure that the 440 volt trunk lines do not exceed a length that affects the quality of service to the customer and a technical loss threshold.

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- Construction of primary sub-stations with interconnecting sub-transmission links² and medium voltage off-loading circuits

1.3.2 NEDCo Sub-activities

The NEDCo project and its activities are currently being re-designed. It is however expected that most activities and sub-activities will be similar to those of the ECG.

1.3.3 Access Sub-Activities

- Infrastructure upgrades and corrective actions in targeted markets and economic enclaves
- Provision of metered lighting in targeted markets, Economic Enclaves and targeted Social Institutions
- Electrification of targeted Social Institutions that currently lack service

A brief description of each of the above sub-activities is provided below.

1.4 Description of ECG Financial and Operational Turnaround Project Sub-Activities

1.4.1 ECG Bulk Supply Point

The installation of a BSP that will have feeders (OH or UG links) to existing primary sub-stations will entail the following activities:

- Identify a suitable parcel of land;
- Acquire the plot of land if it is not owned by ECG (through land expropriation, negotiated sale or authorization of right-of-entry by Lands Commission);
- RAP Consultant will develop and assist in implementation of the RAP to clear the site
- Construct temporary access to site;
- Construct temporary office facilities;
- Build a control house and switchyard;
- Sub-transmission and medium-voltage distribution lines will link BSP to primary sub-stations using underground cables and overhead lines.

Land acquisition may be required if there is no land available for the proposed BSP. Land may be acquired through a negotiated sale, an expropriation or the transfer of some already existing government land to GRIDCo and ECG for the construction of the BSP. Road reservations are usually used as right-of-ways for sub-transmission and distribution lines. If the selected route runs through an area that is populated by small businesses, then there may be some amount of physical and economic displacements caused by this sub-activity.

1.4.2 Construction of ECG Primary Substations

The installation of primary substations with interconnecting sub-transmission links and medium voltage off-loading circuits will entail the following activities:

- Identify suitable plots of land;
- Acquire the plots of land if not owned by ECG (i.e., through land expropriation, negotiated sale or provision of right-of-entry by Lands Commission);
- Clear and construct temporary access to site;

² Interconnecting sub-transmission links are 33kV overhead or underground cables that connect primary sub-stations

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- Construct temporary office facilities to be used as site office;
 - Construct foundations for installations;
 - Build control house and switchyard;
 - Install switchyard, transformers and capacitor banks; and,
 - Provide incoming sub-transmission and outgoing medium-voltage distribution system using underground cables and overhead lines to connect with existing ECG network.

ECG usually acquires land for projects through either the use of existing government land or land received from public and private institutions in exchange for improvement of power supply to the institutions concerned, or negotiated sales,. Expropriation or compulsory acquisition has also been used to acquire land for ECG projects, but forcible acquisition has usually been a last resort and has been used only rarely, if ever. If there is no existing land on which the primary substation would be constructed and new rights-of-way (ROW) for lines need to be created, then land-take will be necessary for both the substation and the ROWs.

ECG commonly uses road reservations as ROW for distribution lines. Depending on route selected for lines, businesses of traders and other occupiers of the right-of-way commonly used by ECG will either have to be relocated or at the very best suffer disruptions to their operations by the planting of poles, the stringing of lines and other related works.

1.4.3 ECG Low Voltage Bifurcation

Under the ECG technical loss reduction activity, there will be low voltage bifurcation and network improvements that are meant to reduce length of low voltage circuits. The purpose of this activity is to reduce the length of the 440 volt (LV) circuits (segmenting large circuits into multiple smaller ones) in order to ensure that the 440 volt trunk lines do not exceed a length where there is a technical loss threshold and the quality of service to the customer suffers. .

Activities to be carried out under low voltage bifurcation include:

- Bring 11kV lines closer to customers by installing new 12m high poles;
- String lines and install step-down transformers on the poles; and,
- Replace open wire construction type cables with multiplex or aerial bundled cables.

1.5 Description of Access Projects

1.5.1 Infrastructure Upgrade and Corrective Actions in Targeted Markets and Economic Enclaves

In targeted markets and economic enclaves, electrical infrastructure will be upgraded to provide safe, reliable power. Among the activities to be undertaken are:

- Identification of locations for new poles;
- Trenching and laying of cables;
- Installation of new poles or replacement of old ones; and,
- Stringing lines and installing transformers.

Operators in targeted markets and economic enclaves may be displaced temporarily or permanently to make way for the installation of electrical fixtures

1.5.2 Access Project - Provision of Metered Public Lighting in Targeted Markets and Economic Enclaves and Social Institutions

Metered public lighting will be provided in targeted markets, economic enclaves and social institutions to help guarantee the safety of operators and allow longer working hours in markets and economic enclaves,

as well as improved service delivery by social institutions. The activities that are part of this sub-activity include:

- Identification of locations for new poles and alignment for underground (UG) cables;
- Trenching;
- Laying cables;
- Installing new poles and replacing old ones; and,
- Installing electrical fixtures.

Land may be taken to make way for new poles, and new alignments will have to be identified for cable works. This may temporarily or permanently displace operators in markets and enclaves.

1.5.3 Electrification of Targeted Social Institutions

Targeted social institutions close to markets and enclaves that are not connected to electricity shall be provided with power. During that sub-activity actions that shall be undertaken shall include the following:

- Identification of locations for new poles and alignment for UG cables;
- Trenching and laying of cables;
- Installing new poles;
- Stringing of lines; and,
- Installing meters and other accessories.

Land may be taken for creating a new alignment for cabling work, and, where external lighting is required, land may be required for installing new poles. Land taken for these activities may affect other occupiers of these lands temporarily while construction is going on or permanently if land use patterns for some portions of land change.

2.0 Potential Project-Affected Persons (PAPs)

2.1 Description of Project-Affected Persons

Most involuntary resettlement associated with the distribution sub-activities will be caused by the construction and/or the modification of distribution lines. These lines will be located primarily within the existing 6-m-wide utility corridors located on both sides of most public roads in Ghana. The utility corridors provide opportunities to maintain multiple linear utility facilities within a single ROW.

Although these ROWs theoretically should be free from encumbrance, initial investigations revealed that this is far from the case for many of the urban ROWs. It is common, along many of Ghana's busy streets for vendors and shops to be located in the ROWs, operating from structures can be either built out of permanent materials, adapted from steel shipping containers, or temporary structures. Others, such as car washing bays, operate from little more than a hard surface. Some of these operations are legal in that they have received licenses from the local municipality. One of the conditions of the licenses for operating within the utility corridors is that the license owner acknowledges that the license is temporary and that the businesses may need to relocate if the corridor is required for distribution lines or other utility works. However, many of the roadside businesses do not have such licenses. Although it is illegal for people to live within the utility corridors, some illegal residences also are likely to be found. Given that the bulk of the distribution lines will use existing ROWs, the most important involuntary resettlement requirements associated with the distribution sub-activities will result from existing ROW occupants having to relocate their place of work, disrupting their livelihoods rather than their places of residence.

Other likely impacts will be those resulting from the acquisition of land for new sub-stations, which is typically bought from a willing seller and for ROWs in rural areas. However in most cases, the amount of land required will be limited.

In targeted markets, economic enclaves and social institutions, impacts that arise will result from the need to provide public lighting, increase the number of new connections for MSMEs and facilitate connections to social institutions within the area of markets and economic enclaves.

On the other hand, as a primarily linear project located along existing ROWs, the resettlement impacts of Compact II are considered very unlikely to necessitate large relocations and developments of resettlement areas associated with major urban road or redevelopment projects or large area-based rural projects such as major bridges or dams.

The level of involuntary resettlement will ultimately depend upon the final location of the various proposed sub-activities, the existing level of development within the utility corridors and surrounding areas, and the technical design of the sub-activities. Currently, most of the sub-activities are conceptual in nature and thus are subject to change.

3.0 Resettlement Objectives and Guiding Principles

3.1 Objectives and Guiding Principles

MiDA follows the IFC *Performance Standards on Environmental and Social Sustainability* as part of its continuing efforts to enhance the sustainability and effectiveness of its Compact and improve standards for managing environmental and social risks. The resettlement principles and objectives contained in this RPF are thus governed by the requirements of IFC PS 5 whose overarching objectives are

- Minimize and mitigate impacts of involuntary resettlement on affected persons.
- Ensure that people who are adversely affected are fully compensated and successfully resettled; the livelihoods of displaced people are re-established, and that their standard of living is at least restored and, wherever possible, improved.
- Prevent the impoverishment of affected persons as a consequence of compulsory land acquisition or loss of livelihood for purposes of implementing these sub-activities.
- Make certain that all affected persons, with special attention to vulnerable groups, are informed of the resettlement process, can participate in its design and implementation, and are aware of the grievance processes which are to be accessible and responsive.

These objectives will be achieved through the application of the following guiding principles:

- Ensure that design engineers minimize involuntary resettlement during the design process;
- Introduce flexibility into design standards for ROWs and the land required for sub-stations;
- Hold frequent meetings between the engineering design and implementation team and the resettlement teams to ensure that communication strong, plans are provided in a timely manner, and resettlement is minimized as much as possible.
- Implement an inclusive approach to entitlements that includes compensation for those with no legal title to their land.
- Compensate for land at full market value, and for assets at full replacement value.
- Provide cash compensation and/ or in-kind assistance, including, when it is economically feasible, relocation sites that best suit the needs of affected persons. All these actions should be commensurate with the extent of the impacts that PAPs will experience.

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- Provide disturbance payments to mitigate the impact on the livelihoods of affected persons having to relocate their residence and/or business either temporarily or permanently; Where compensation is warranted, it will be in proportion to the economic impact on the Project Affected Party.
 - Implement additional measures to address any special relocation needs of vulnerable groups.
 - Have a clear and transparent process for the disbursement of any monetary compensation.

All of these principles should be incorporated in the RAPs that will be developed. The RAP will provide the following information: identify all project-affected persons, assess the nature and extent of impacts of the project, provide detailed mitigation measures (including compensation and other measures), set out the implementation arrangements (including consultation procedures), and include a time-bound implementation program and a budget.

3.2 Minimizing the Need for Resettlement

The most important resettlement objective is to minimize involuntary resettlement. Based on the initial assessment undertaken for this RPF, the principal resettlement impacts will arise from the:

- Removal of residential and business structures from existing ROWs in urban areas for new transmission lines;
- Relocation of non-owners, such as residential and business tenants and employees, from urban ROWs;
- Temporary and permanent displacement of operators in markets and economic enclaves to make way for new poles, cables and fixtures;
- Creation of new wayleaves over agricultural land for new transmission lines and land for the siting of poles; and,
- Permanent acquisition of land parcels of approximately 1,000 m² for new sub-stations and customer service centers.

These potential impacts can be minimized or eliminated altogether in various ways. The most important is that it is normal practice in Ghana, for utility engineers to seek negotiated settlements and to avoid forced eviction in order to implement sub-activities and thus reduce the costs of relocating residential and commercial structures. Other ways include:

- Selecting routes that minimize the impact on structures within the utility ROW along public roads.
- Designing the distribution structures, cross arms, and conductors to minimize the area needed to maintain the required clearance from existing structures.
- In cases where a distribution line must cross a highly congested area, installing the line underground, thereby minimizing impacts to existing structures.
- Adopting flexible design standards: current practice in Ghana is that formal requirements for fully clearing the 10m ROW for sub-transmission lines are waived where these would give rise to involuntary resettlement. In these cases, the minimum setback applied is 2 m between the conductors and the nearest structure.

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- Minimizing relocation requirements by shifting existing structures back in order to provide the necessary clearance. This will enable current occupants to remain within the project area, drastically reducing potential disturbance to their activities³.
 - Selecting sites for sub-stations and customer service centers that are vacant or under-used and reducing the area required as much as possible.

With respect to wayleaves over agricultural land, the same general principles apply – siting transmission lines along existing ROWs and avoiding more productive land areas. Construction can also, on occasion, be timed to coincide with the cultivation cycle so that land is taken after the harvest season. These impacts are transitory, however, because once the transmission lines have been erected and the land reinstated, cultivation can resume.

Adopting the above practices, when taken together, can substantially reduce the need for involuntary resettlement associated with the construction or modification of distribution lines for the Utility Companies and the targeted markets, economic enclaves and social institutions.

4.0 Legal and Institutional Framework

This section presents an overview of the constitution of Ghana and national laws relating to land and property acquisition and compensation arrangements. These legal requirements are compared with those required under IFC PS 5 that will be triggered by this Compact. Where there are gaps in the national law, the requirements of the higher standard will take precedence because the requirements of the lesser standard will be fulfilled *ipso facto*.

4.1 Government of Ghana (GoG)

It is the policy of the GoG to pay fair compensation or offer resettlement assistance to persons whose properties or lands are affected by projects being undertaken by any state agency. Where appropriate under the governing laws of Ghana, land will be provided to the affected populations.

The 1992 Constitution of Ghana and the State Lands Act of 1962 (Act 125), as amended, are the two key pieces of legislation used in land acquisition and its related involuntary resettlement. In addition, the Lands (Statutory Wayleaves⁴) Act of 1963 (Act 186) provides for entry on any land for the purpose of the construction, installation, and maintenance of the works of a public utility, and for the creation of ROWs for such works. The use of Act 186 has given way to use of Act 125 since Act 125 as amended gives affected persons a fairer opportunity to receive “adequate and prompt compensation,” as stipulated in the 1992 Constitution of Ghana. More detail is provided in the following subsections.

4.1.1 1992 Constitution of Ghana

The 1992 Constitution of Ghana provides for the protection of property ownership and guarantees private property rights. Interference with ownership and enjoyments of such rights is discouraged by the constitution. The country’s sovereign and inherent powers of eminent domain over private property is equally controlled and can be exercised only when it is in the public interest or for a public purpose to do so. Article 20 (1) of the 1992 Constitution of Ghana states:

No property of any description or interest in or right over any property shall be compulsorily taken possession of or acquired by the State unless the taking of possession or acquisition is necessary in the

³This ‘solution’ will not, however, result in a complete clearance of the ROW, which might be desirable for future road expansion of other urban improvements.

⁴For the purpose of this report, the term “wayleave” is synonymous with “easement” and “ROW.”

interest of defense, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such manner as to promote the public benefit.

Article 20 (2) of the Constitution states that compulsory acquisition of property by the State shall only be made under a law which makes provision for:

- i. The prompt payment of fair and adequate compensation; and
- ii. a right of access to the High Court by any person who has an interest in or right over the property whether direct or on appeal from any other authority, for the determination of his interest or right and the amount of compensation to which he is entitled.

Article 20(3) of the Constitution stipulates that where compulsory acquisition of land involves the displacement of any inhabitants, the State shall resettle them on suitable alternative lands with due regard to their socio-cultural values. Another key provision worthy of note is that, where any property compulsorily acquired is not used for the stated purpose or in a public interest, the owners are to be given the first option of taking back their lands subject to the refund of compensation received or payment of commensurate amounts for the property.

4.1.2 State Lands Act of 1962 (Act 125)

The State Lands Act (Act 125, as amended), is the principal law under which lands can be acquired compulsorily, and establishes the mechanisms for acquisition. Act 125 provides that the president may by Executive Instrument (EI) acquire any land for the public interest. The mechanisms for the acquisition are established in the Act and its Regulation – State Lands Regulation (1962) Legislative Instrument (LI) 230. Once the EI is published, the lands specified are deemed to be acquired and vested in the president. Consequently, all previous interests are removed. However, failure to comply with the necessary processes and procedures established under Act 125 will render the acquisition null and void.

Act 125 provides for compensation payment to eligible people affected by projects. The procedures for making claims are presented in Section 4 of the Act. Section 11 of the Act provides for the settlement of disputes by the High Court relating to amounts of compensation to be paid.

The Act establishes that the value of the land to be acquired shall be based on market value or replacement value. Lump sum compensation is prescribed under the Act. The cost of disturbance and other incidental expenses or damages are also considered in the award of compensation. Market value, replacement value, cost of disturbance, and other incidental expenses or damages are defined in Act 125 as follows:

- **Market Value** – The sum of money which the land might have been expected to realize if sold in the open market by a willing seller at the time of the declaration made under Section 1 of the Act.
- **Replacement Value**– The value of the land where there is no demand or market for the land by reason of the situation or of the purpose for which the land was devoted at the time of the declaration of intention to acquire a specific parcel of land made under Section 1 of the Act. This value shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the said declaration.
- **Cost of Disturbance** – The reasonable expenses incidental to any necessary change of residence or place of business by any person having a right or interest in the land.
- **Other Damages** – Any damage sustained by any person having a right or interest in the land or in adjoining land at the date of the declaration so made under the Act, by reason of severance from or injurious affection to any adjoining land.

A major limitation of Act 125 is that no provision is made for public consultation and involvement in the acquisition process. There is, however, provision for recourse to the High Court and then the Appeal Court. There is also some provision for consultation under the Ghanaian Land Policy and, more importantly, under the environmental legislation discussed below.

The State Lands Regulation of 1962 (LI 230) was enacted pursuant to Act 125 and provides general guidelines and directions for implementing the provisions of Act 125 regarding compulsory acquisition of land and consequential compensation. Regulation LI 230 calls for the establishment of Site Advisory Committees (SACs), which are technical bodies whose task it is to consider all requests for compulsory acquisition of lands and advise on the suitability of the lands for the intended projects. The SACs are composed of professionals from state land agencies, public work departments, and utilities. The recommendations of the SACs are forwarded to the Regional Minister for approval.

4.1.3 Lands (Statutory Wayleaves) Act of 1963 (Act 186)

Act 186 provides for entry on land for the purpose of the construction, installation, and maintenance of the works of a public utility, and for the creation of ROWs for such works. Where a ROW must be established in the public interest, the president may declare the land to be subject to such statutory wayleave. On publication of a wayleave instrument specifying the area required, and without further assurance, the land shall be deemed to be subject to wayleave. Compensation is then calculated and paid, with the right of appeal to a tribunal established by the president, in parallel with the Act 125⁵.

The owner/occupier of the land must be formally notified at least a week in advance of the intent to enter, and be given at least 24 hours' notice before entry. An authorized person may enter at any time for the purpose of inspecting, maintaining, replacing, or removing any specified works. Any damage due to entry must be compensated in accordance with the established procedure, unless the land is restored or replaced. The only exception is owners of large tracts (such as farmlands) for which operations are not substantially affected by the implementation of the project. The Act provides avenues for people who are dissatisfied with amounts offered as compensation to seek redress.

The Lands (Statutory Wayleaves) Regulation of 1964 (LI334) restates the principles of the Act 186, in that the State retains the power to compulsorily acquire any area of land for public use if necessary and pay prompt and appropriate compensation to the original owner(s) of said land. LI334 also establishes provisions for Wayleave Selection Committees to determine the optimal routing and to ensure that the selected wayleaves are consistent with urban and rural planning.

Occupiers of current ROWs have no right to compensation under Ghanaian law if they occupied the ROW after its formal declaration.

4.1.4 Ghana Land Policy of 1999

The Ghana Land Policy of 1999 provides guidelines and policy actions for land use (agriculture, forestry, extractive industry, settlement, and infrastructure). These guidelines are aimed at enhancing conservation and environmental quality, thereby preserving options for present and future generations. The key objectives of the Land Policy, which are relevant to the sub-activities identified in this RPF, are the protection of the rights of landowners to receive adequate compensation for land acquired, the promotion of public awareness of the proposed project and their legal rights at all levels, and community participation in sustainable land management.

4.1.5 Valuation and Payment of Compensation

The laws on expropriation recognize the importance of compensation payments to make up for losses suffered. The 1992 Constitution, for instance, requires that prompt payment of adequate compensation be provided before the exercise of eminent domain.

The basic government policy behind compensation awards is that no one should be made worse off as a result of the implementation of any project. Accordingly, any person who establishes identifiable and legally recognized interest/rights in land being acquired is entitled to compensation. The laws provide that the

⁵Appeal to the tribunal has, under the 1992 Constitution, been replaced by appeal to the High Court.

compensation claims are to be lodged by the affected people within 6 months of acquisition. In most cases, the claims are submitted by private professional valuers on behalf of claimants.

The Land Valuation Division (LVD)⁶ of the Lands Commission, is the government agency mandated to value lands and properties acquired by the GoG and advise on the compensations to be paid. The LVD carries out field inspections, references of the affected properties, prepares the list of claimants affected, and catalogues the losses suffered. In carrying out the assessment of compensation, the LVD follows these broad principles:

- Market replacement prices are considered.
- Value of property —is considered.
- Values incorporate all losses and benefits flowing from the assets affected.
- No account is taken of any improvement made within two years prior to the publication of the EI unless the improvement was done in good faith and not in contemplation of the acquisition.
- If the acquisition involves displacing inhabitants for a major project, such as a dam or mining operation, the LVD is required to relocate the displaced inhabitants on suitable alternative land with due regard for the economic well-being and social and cultural values of the inhabitants concerned. On linear projects, compensation is generally cash only.

Upon the completion of the assessment and when there are no conflicts to the claims submitted or disagreements in the amounts offered, payment is immediately affected. Where compensation is assessed but cannot be paid owing to a dispute or conflict, the GoG is required to deposit the amount in an interest-yielding escrow account.

4.2 IFC PS 5: Involuntary Resettlement

MiDA has adopted the IFC PSs as a key element of the environmental and social guidance policies. An overview of PS 5 is presented below, and is taken directly from the standard and the associated Guidance Notes, available at

http://www.ifc.org/wps/wcm/connect/115482804a0255db96fbffd1a5d13d27/PS_English_2012_Full-Documents.pdf?MOD=AJPERES.

4.2.1 Objectives

The objectives of PS 5 are:

- *To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs.*
- *To avoid forced eviction.*
- *To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.*
- *To improve, or restore, the livelihoods and standards of living of displaced persons.*
- *To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.*

⁶Previously known as the Land Valuation Board.

4.2.2 Major Requirements of PS 5

The major requirements of the IFC PS 5 are presented below.

Scope of Application

PS 5 ...applies to physical and/or economic displacement resulting from the following types of land-related transactions:

- Land rights or land use rights acquired through expropriation or other compulsory procedures in accordance with the legal system of the host country;
- Land rights or land use rights acquired through negotiated settlements with property owners or those with legal rights to the land if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- Project situations where involuntary restrictions on land use and access to natural resources cause a community or groups within a community to lose access to resource usage where they have traditional or recognizable usage rights;
- Certain project situations requiring evictions of people occupying land without formal, traditional, or recognizable usage rights; or
- Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, freshwater, medicinal plants, hunting and gathering grounds and grazing and cropping areas.

Compensation and Benefits for Displaced Persons

When displacement cannot be avoided, the client will offer displaced communities and persons compensation for loss of assets at full replacement cost and other assistance to help them improve or restore their standards of living or livelihoods, as provided in this Performance Standard. Compensation standards will be transparent and applied.

Community Engagement

[Projects] requiring resettlement will engage with Affected Communities, including host communities, through the process of stakeholder engagement described in Performance Standard 1. Decision-making processes related to resettlement and livelihood restoration should include options and alternatives, where applicable. Disclosure of relevant information and participation of Affected Communities and persons will continue during the planning, implementation, monitoring, and evaluation of compensation payments, livelihood restoration activities, and resettlement to achieve outcomes that are consistent with the objectives of this Performance Standard.

Grievance Mechanism

[A grievance mechanism will be established] consistent with Performance Standard 1 as early as possible in the project development phase. This will allow the client to receive and address specific concerns about compensation and relocation raised by displaced persons or members of host communities in a timely fashion, including a recourse mechanism designed to resolve disputes in an impartial manner.

Resettlement and Livelihood Restoration Planning and Implementation

Where the exact nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown due to the stage of project development, the client will develop a Resettlement and/or Livelihood Restoration Framework outlining general principles compatible with this Performance Standard. Once the individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific Resettlement Action Plan or Livelihood Restoration Plan and procedures.

Displacement

Displaced persons may be classified as persons (i) who have formal legal rights to the land or assets they occupy or use; (ii) who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or (iii) who have no recognizable legal right or claim to the land or assets they occupy or use. The census will establish the status of the displaced persons.

Physical Displacement

In the case of physical displacement, a Resettlement Action Plan will be developed that covers, at a minimum, the applicable requirements of this PS 5 regardless of the number of people affected. This will include compensation at full replacement cost for land and other assets lost. The Plan will be designed to mitigate the negative impacts of displacement; identify development opportunities; develop a resettlement budget and schedule; and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to the needs of the poor and the vulnerable. All transactions to acquire land rights will be documented, as well as compensation measures and relocation activities.

Economic Displacement

In the case of projects involving economic displacement only, a Livelihood Restoration Plan will be developed to compensate affected persons and/or communities and offer other assistance that meet the objectives of this Performance Standard. The Livelihood Restoration Plan will establish the entitlements of affected persons and/or communities and will ensure that these are provided in a transparent, consistent, and equitable manner. The mitigation of economic displacement will be considered complete when affected persons or communities have received compensation and other assistance according to the requirements of the Livelihood Restoration Plan and this Performance Standard, and are deemed to have been provided with adequate opportunity to reestablish their livelihoods.

In addition to compensation for lost assets, if any, economically displaced persons whose livelihoods or income levels are adversely affected will also be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.

Transitional support should be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

Private Sector Responsibilities under Government-Managed Resettlement

Where land acquisition and resettlement are the responsibility of the government, [MCC/Millennium Development Authority (MiDA)] will collaborate with the responsible government agency, to the extent permitted by the agency, to achieve outcomes that are consistent with this Performance Standard. In addition, where government capacity is

limited, the client will play an active role during resettlement planning, implementation, and monitoring...

4.2.3 MCC Guidelines for Application of PS 5

The MCC resettlement guidelines provide specific guidance on how the MCC will oversee and support the Millennium Challenge Account (MCA) entity in each country (in this case MiDA) and its partners in the implementation of resettlement activities under MCC Ghana Compact II. The guidelines are as follows:

- *MCC requires the use of best international practice in resettlement and thus typically requires that the MCA entity apply IFC Performance Standard 5 (PS 5) on land acquisition and involuntary resettlement to all activities under a Compact. That is, unless otherwise agreed with MCC, the MCA entity must comply with all of the requirements of PS 5. To the extent that there are any inconsistencies between the MCC Guidance and PS 5, the provisions MCC shall govern.*
- *All PAPs, including those who have no recognizable legal right or claim to the land they are occupying, are eligible for compensation or other assistance commensurate with the nature and extent of the impact involved. A fundamental requirement of resettlement activities based on PS 5 is to restore, at least, standards of living and preferably improve the livelihoods of those households, families, extended families and individuals who are losing land, assets or access to resources due to the implementation of a project. Compensation for lost assets can be monetary, in-kind (e.g., new land, housing and social infrastructure, work places or other replacement for lost assets) or a combination of both.*
- *MCC must approve each RAP before the MCA entity can precede with implementation of compensation and resettlement assistance effort. Given the complexities of carrying out resettlement activities, MCC will encourage the MCA entity to contract with resettlement consultants, NGOs or other partners to assist in implementing the RAPs.*
- *When resettlement requires moving residents of a village or neighborhood or a group of related workers, and especially in the absence of a housing market or when the PAPs are a cohesive social or economic unit, the MCA entity and its partners may need to provide new resettlement areas, villages or work places, serviced with sources of water, sanitation, access to fuel, heat and/or electricity, schools, health clinics and the like prior to displacement. In this situation, MCC will likely require an environmental assessment of the new site prior to its establishment.*

4.3 Gap Analysis

The requirements of IFC PS 5 summarized in the previous subsection are compared below to the current provisions for land acquisition and compensation provided under the Ghanaian law summarized in earlier subsections. This gap analysis is presented in Table 4-1.

The principal findings from this analysis are as follows:

Ghanaian legislation covers several of the requirements of IFC PS 5: an acceptance that those losing land or property should be properly compensated; compensation is valued at replacement value; additional allowances for 'disturbance' and other impacts resulting from involuntary resettlement may be provided; notification of compulsory purchase is required; redress is provided through the legal system; and limited consultation procedures are required. There is no explicit, formal requirement to minimize involuntary resettlement, although there is little incentive for design teams not to do so given that unresolved resettlement issues can seriously delay projects and add to their cost.

There are significant gaps between the law and the requirements of IFC PS 5. The most important of these is that under current GoG legislation, those who do not have a legal or customary right to land are not entitled to any compensation for lost property or assets on the land that they may occupy. These groups -- who include squatters (including occupiers of ROWs) whether residential or business, renters, and employees of affected enterprises -- would therefore not qualify for compensation. To redress this situation, MiDA grants all PAPs access to its grievance redress system, irrespective of their category, so that people whose assets may have been overlooked or ignored because they do not own the land they occupy can register their complaint and receive the appropriate compensation.

There are no provisions for additional measures to aid livelihood recovery or for increased assistance to vulnerable groups.

Requirements for consultations with affected persons and other stakeholders, disclosure of relevant documents, and grievance redress procedures fall well short of IFC PS 5 requirements.

There is no legal requirement to prepare RAPs or to undertake monitoring of the resettlement process.

For the purpose of monitoring, the baseline will need to be established for those who are to experience permanent physical displacement.

Given that adherence to IFC PS 5 is a requirement of the MCC, this RPF therefore requires that the executing authorities (MiDA) does not rely solely on current legislation but must satisfy the requirements of PS 5, especially in relation to the provision of compensation to those without a legal entitlement to the land they are occupying and in the preparation and implementation of RAPs.

It should nevertheless be noted that:

Several recent projects financed by the World Bank and the MCC have incorporated provisions related to these legislative gaps to ensure compliance with World Bank Operational Policy (OP)4.12 or IFC PS 5. These include additional assistance to squatters, enhanced consultation, disclosure and grievance procedures. As a result of the compliance with WB OP 4.12, PAPs are involved in resettlement through public hearings and forums; they are given compensation at open market value and those previously considered as squatters receive supplementary assistance to help them relocate⁷. There are therefore precedents for the full adoption of IFC PS 5.

Adherence to IFC PS 5 does not preclude adherence to statutory legislative requirements relating to the compulsory purchase of land by GoG.

⁷MCC, 2009, *Resettlement Action Plan for Upgrading of the N1 Highway between Tetteh-Quarshie Interchange and Mallam Road Junction*, and Volta River Authority, 2007, *Land Acquisition & Resettlement Policy Framework - Ghana Energy Development and Access Project*.

TABLE 4-1
 Gap Analysis - Comparison of Ghanaian Legislation & IFC PS 5 Requirements

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
Coverage; Scope of Application	<i>Land acquisition for the public good. Restriction on access to natural resources [See p. 19 of this RPF.]</i>	Land acquisition for the public good, does not identify restriction on access to natural resource as a loss that merits compensation.	Restriction on access to natural resources	Cover all aspects of land acquisition, including restrictions on access to natural resources
Avoid and minimize involuntary resettlement	<i>To avoid or at least minimize involuntary resettlement wherever feasible by exploring alternative project designs. The client will consider feasible alternative project designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social, and financial costs and benefits.</i>	Ghanaian legislation sees compulsory acquisition and hence involuntary resettlement as something to be avoided.	Although not as clearly specified in the legislation as in PS 5, the intent is clear that involuntary resettlement should be avoided if possible.	Design Consultant shall work with resettlement specialists to avoid and minimize involuntary resettlement while balancing environmental social and financial costs and benefits. Measures that need to be considered are: (i) exploring alternative project designs; (ii) employing flexible design standards; (iii) Conduct facility siting and routing to minimize the need for resettlement. Measures to eliminate or reduce involuntary resettlement, including physical or economic displacement shall be documented.

TABLE 4-1
Gap Analysis - Comparison of Ghanaian Legislation & IFC PS 5 Requirements

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
<p>Mitigate impacts of involuntary resettlement</p>	<p><i>To mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of land by:</i></p> <ul style="list-style-type: none"> <i>(i) Preparing resettlement action plans that include continuous consultation with affected persons;</i> <i>(ii) providing compensation for loss of land and assets at replacement cost or comparable replacement land;</i> <i>(iii) disturbance payments;</i> <i>(iv) other measures to re-establish pre-project livelihoods; and</i> <i>(v) Pay particular attention to vulnerable groups affected by involuntary resettlement.</i> <p><i>These impacts include both permanent and temporary losses. Compensation payments need to be made prior to relocation or loss of land.</i></p>	<p>Measures for compensation at full market/replacement value are included in Ghanaian legislation.</p> <p>These include compensation for disturbance payments as well other potential impacts (e.g. non-viability of residual land parcels. There is also provision for temporary losses such as the loss of assets includes standing crops.</p> <p>Ghanaian legislation however only covers those with a demonstrable legal or customary right to the land, in practice however since World Bank implemented OP4.12 in Ghana squatters have been compensated.</p> <p>Compensation payments are made 'promptly' (not defined more precisely).</p>	<p>There is no legal provision for:</p> <ul style="list-style-type: none"> (i) Those with no legal right to the land that is needed (e.g., squatters (whether residential or business), tenants, or employees. (ii) Additional livelihood restoration measures over and above the compensation for loss of land and assets and the resulting disturbance. 	<p>Compensation shall be based on replacement values for land and assets.</p> <p>Compensation will be paid prior to any displacement.</p> <p>Compensation for involuntary resettlement will cover those without a legal right to the land.</p> <p>Livelihood restoration measures must be implemented for those affected by loss of income resulting from involuntary resettlement.</p>
<p>Identify, assess and address the potential social and</p>	<p><i>Where involuntary resettlement is unavoidable, the client will carry out a census with appropriate socio-economic baseline data to identify the persons who will be displaced by the project, to determine who will be eligible for</i></p>	<p>Under Ghana EPA procedures, economic and physical displacement impacts are addressed under socio-economic impacts of project and a Resettlement Action</p>	<p>Ghana EPA, Land valuation Division of Lands Commission and Town and Country Planning have different responsibilities for overseeing Resettlement planning and</p>	<p>Once project designs are near finalization, a census and socio-economic survey shall be carried out This shall include, inter alia, an inventory of land assets that</p>

TABLE 4-1
Gap Analysis - Comparison of Ghanaian Legislation & IFC PS 5 Requirements

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
economic impacts	<i>compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.</i>	Plan or compensation plan which must include a budget as proof that it has been considered.	implementation. So there is no one entity that has a mandate to enforce and supervise resettlement planning and satisfactory implementation.	will be lost, regardless of whether or not the occupant owns the land, and information on the socio-economic characteristics of affected persons.
Valuation	<i>Assets are to be valued at replacement cost and other assistance shall be provided to help them improve or maintain their living standards</i>	An affected person is entitled to market value or replacement value of asset taken. In addition the affected person is entitled to cost of disturbance, other damage or rant land of equivalent value	Ghana law does not recognize any improvement done to property 2-years prior to acquisition if it is perceived as an improvement in anticipation of compensation	All assets captured during census shall be valued in accordance with IFC PS 5 PAPs may salvage all materials from structures that they desire, at no charge.
Consultations with affected persons, Community engagement & disclosure	<i>The client will consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to resettlement. Consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to achieve outcomes that are consistent with the objectives of this Performance Standard.</i> <i>The client will disclose the Action Plan to the affected communities and will provide periodic reports</i>	Consultation as part of ESIA procedures is mandatory however there is limited provision for consultation relating to involuntary resettlement in Ghanaian legislation Disclosure is part of the ESIA process however where expropriation is concerned, it is essentially limited to the	Ghanaian legislation does not define consultation procedures in detail as required by IFC PS 5. Aside from disclosure as part of ESIA procedures, disclosure of documents was not mandated for RAPs prior to the	Consultation procedures throughout the project cycle shall be implemented in accordance with IFC PS 5. These shall cover affected persons host communities (if applicable). Non-governmental organizations (NGOs) and community leaders will be involved as appropriate. Opportunities will be provided to participate in the planning, implementation, and monitoring of the resettlement program, and in

TABLE 4-1
Gap Analysis - Comparison of Ghanaian Legislation & IFC PS 5 Requirements

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
	<i>that describe progress with implementation of the Action Plan on issues that involve ongoing risk to or impacts on affected communities, and on issues that the consultation process or grievance mechanism has identified as of concern to those communities. If the management program results in material changes in, or additions to, the mitigation measures or actions described in the Action Plan, the updated mitigation measures or actions will also be disclosed. These reports will be in a format accessible to the affected communities.</i>	statutory notices related to compulsory acquisition or requirements for wayleaves. The available grievance redress system required is first through LVD where Independent Valuers can make a counter claim on Government on behalf of their client. When negotiations with LVD fail, the claimant can resort to legal redress. However it is understood that grievance committees have been established for some World Bank projects in accordance with OP 4.12.	implementation of resettlement as part of World Bank Funded projects and MCA Ghana Compact I. There is no provision for grievance redress other than through LVD and the formal legal system.	particular in respect of compensation measures, additional livelihood restoration proposals and the timing of activities. All relevant documents shall be disclosed in a format and at locations accessible to affected persons and for a reasonable minimum period. These include project designs, mitigation and compensation measures, progress on implementation, and changes in designs. Grievance procedures need to be established to avoid claimants having to go to law.
Grievance Redress	<i>Informal conflict resolution and formal juridical procedures</i>	Only administrative and juridical procedures	Need for informal grievance resolution procedure	Implement informal grievance resolution procedure
Preparation of Resettlement Action Plans	<i>The client will develop a RAP based on this RPF. The plan or framework will be designed to mitigate the negative impacts of displacement, identify development opportunities, and establish the entitlements of all categories of affected persons (including host communities), with particular attention paid to the</i>	There is no requirement under current legislation to prepare Resettlement Action Plans. However, RAPs have been prepared in Ghana since the late 1990s when WB introduced the application of OP4.12 as part of project	The preparation of RAPs is not required under Ghanaian law but all World Bank funded and other Donor funded Projects have demanded RAP since World Bank introduced RAPs as part of their project implementation..	For all sub-activities that involve resettlement including physical or economic displacement, a RAP will be prepared which will establish the entitlements of all categories of affected persons (including host communities),

TABLE 4-1
Gap Analysis - Comparison of Ghanaian Legislation & IFC PS 5 Requirements

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
	<i>needs of the poor and the vulnerable. The full costs of resettlement, compensation, and rehabilitation will be included in the overall financial and economic analyses of the costs and benefits of the proposed project/ sub-activity.</i>	implementation for WB funded projects.		with particular attention paid to the needs of the poor and the vulnerable. The RAP will lay down appropriate time-bound actions and budgets. The level of detail of the RAP will reflect the number of persons affected
Physical Displacement	<i>Restore standard of living</i>	Cash compensation only	Provide whatever non-monetary assistance and compensation is required.	Provide whatever non-monetary assistance and compensation is required.
Economic Displacement	Where a project causes economic displacement, as defined under PS5 and this RPF, a Livelihood Restoration Plan will be developed. Economically displaced persons whose livelihoods are adversely affected will be provided with opportunities to improve or at least restore their means of income earning.	Economic displacement is not addressed exclusively if it is not in addition to a physical displacement. Only be addressed if it is a business that can prove their loss by providing an audited account.	Informal businesses should also have their losses identified and addressed	Provide compensation required to enable PAPs to improve or restore their income-earning capacity
Gender and Vulnerability	<i>Provide supplementary assistance to women-headed and other vulnerable households, as needed for HH to accomplish resettlement tasks</i>	No special consideration	Need for supplementary assistance if woman-headed or other vulnerable HH cannot accomplish necessary resettlement task	Provide social assistance to those HH who require it.
Institutional Arrangements	<i>Work can be done by project agency, in this instance MiDA</i>	Work is done by Government agencies legally mandated	Need to integrate non-governmental actors	Integrate non-governmental actors (quasi-governmental?)

TABLE 4-1
 Gap Analysis - Comparison of Ghanaian Legislation & IFC PS 5 Requirements

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
Monitoring and Evaluation	<i>The client will establish procedures to monitor and evaluate the implementation of RAPs and take corrective action as necessary. The extent of monitoring should be commensurate with the project's risks and impacts and with the project's compliance requirements. The client will document monitoring results, and identify necessary corrective and preventive actions in the amended management program. The client will implement these corrective and preventive actions, and follow up on these actions to ensure their effectiveness.</i>	No requirement under Ghanaian law although due legal processes have to be observed.	A monitoring system to evaluate the implementation of the RAP and the impact of involuntary resettlement on affected persons is not required under Ghanaian law.	An appropriate monitoring & evaluation system to cover the resettlement activities related to the Compact will be implemented. This system will include both an internal system to monitor the progress and implementation of the RAP and, if deemed necessary, an external independent process to monitor the short and medium term impacts of involuntary resettlement on affected persons.

^a Available at: http://www.ifc.org/wps/wcm/connect/115482804a0255db96fbfd1a5d13d27/PS_English_2012_Full-Documents.pdf?MOD=AJPERES

5.0 Eligibility and Entitlements of Affected Persons

5.1 Eligibility Criteria

Three broad groups of affected persons will be eligible for compensation and other assistance, provided that they were resident in the project area prior to the cut-off date. These three groups are:

1. Those who have formal legal rights to land including customary and traditional rights recognized under the laws of Ghana.
2. Those who have demonstrable occupancy rights such as tenancy agreements, rent receipts, business operating licenses, utility bills, even though they have no formal rights to the land.
3. Those who have no recognizable legal right or claim to the land they are occupying but can demonstrate that they have been living or working in the affected area prior to the cut-off date; such proof could include enumeration during the census.

Groups 2 and 3 include residential and business tenants, tenant farmers, squatters, petty traders, businesses operated out of shipping containers and other informal structures (which are particularly prevalent along some roads).

PAPs will be expected to provide proof of their eligibility in order to be eligible for compensation. Proof can include registered land titles, proof of customary ownership, tenancy agreements, rent receipts, building and planning permits, business operating licenses, or utility bills. The primary requirement is for registration at their place of work or residence in the census, which will be carried out as soon as possible after the cut-off date has been announced.

5.2 Cut-off Date

Construction will be designed in packages to make management possible; so the cut-off date will be the date the census ends in the area of the given construction package. The cut-off date is the date after which no new entrant shall be entitled to compensation.

5.3 Entitlements

Table 5-1 presents the entitlement matrix that captures all affected parties, the characteristics of the impact, and the types of compensation/other assistance to which they will be entitled. Note that some PAPs may qualify for a series of entitlements—for example, where the land owner also owns the structure on the plot and runs a business from it, or a business tenant is also categorized as a vulnerable PAP; similarly, a business owner may own both temporary and permanent structures.

Based on the initial assessment of likely impacts, the most common types of PAPs would be:

- Occupiers that lose temporary or permanent access (both licensed and squatters) within existing designated utility corridors along public roads;
- Occupiers that temporarily lose agricultural land to new easements;
- Owners and occupiers of residential and commercial land that lose access temporarily or permanently new easements across private properties.
- Owners and occupiers of lands acquired for new substations and customer centers

-
- Operators in markets and economic enclaves that will temporarily or permanently lose access to places of work to make way for new alignments and fixtures that would improve power to these places

TABLE 5-1
Entitlement Matrix

Category	Sub-Category	type of loss	Compensation	Supplementary Measures
Land	Landowner – urban	Permanent land loss	<ul style="list-style-type: none"> • Compensation at prevailing market price. • Assistance in finding alternative land, if desired 	<ul style="list-style-type: none"> • Transaction costs (Project retains right to acquire entire plot if remaining parcel is not viable)
	Landowner--urban	Temporary land loss	<ul style="list-style-type: none"> • Reinstatement of land to original state 	
	Landowner – rural	Permanent land loss (e.g. substations)	<ul style="list-style-type: none"> • Compensation at prevailing market price; and • Assistance in finding alternative land, if desired <p>OR</p> <ul style="list-style-type: none"> • Replacement of land if possible. 	<ul style="list-style-type: none"> • Transaction costs (Project retains right to acquire entire plot if remaining parcel is not viable)
	Landowner – rural	Temporary land Loss (e.g., for new wayleaves)	<ul style="list-style-type: none"> • Reinstatement of land to previous state 	
	Occupant with recognized use rights (e.g., tenant, vendor, sharecropper)	Loss of access or use of farmland or other locale	<ul style="list-style-type: none"> • Assistance in finding alternative land • (In addition, for vendors, moving costs to new locale) 	<ul style="list-style-type: none"> • Transaction costs for new arrangement for vendor or farmer
	Occupant without recognized use rights	Loss of farmland or selling locale	<ul style="list-style-type: none"> • Assistance in finding alternative land • (In addition, for vendors, moving costs to new locale) 	<ul style="list-style-type: none"> • Transaction cost
Structures		Loss of structure (house,	<ul style="list-style-type: none"> • Replacement cost for structure at new construction values if there is no or a weak housing market. 	<ul style="list-style-type: none"> • Transaction costs; administrative fees, taxes, utility hook-ups • Disturbance allowance

Category	Sub-Category	type of loss	Compensation	Supplementary Measures
		business or other)	<ul style="list-style-type: none"> Assistance in finding a replacement property, if desired Coverage of full cost for the total transport expenses for the removal of chattels and reusable construction materials 	
	No legal right of occupation	Loss of structure	<ul style="list-style-type: none"> Assistance in finding a replacement property, if desired. Coverage of full cost for the total transport expenses for the removal of chattels and reusable construction materials 	<ul style="list-style-type: none"> Transaction costs; administrative fees, taxes, utility hook-ups Disturbance allowance
	Owner of movable structures-	Loss of business (or residential) structure that can be physically relocated	<ul style="list-style-type: none"> Payment of full cost for movement of structure (container) or dismantling and reconstruction (wooden shed) 	<ul style="list-style-type: none"> Assistance in finding new temporary or permanent business location <p>OR</p> <ul style="list-style-type: none"> Payment of cost of finding an alternative site. <p>PLUS</p> <ul style="list-style-type: none"> Transaction costs; administrative fees, taxes, utility hook-ups Disturbance allowance
	Business Tenants (Tenants of residential or business properties)	Loss of Rental Accommodation	<ul style="list-style-type: none"> Current new value of any improvements made by the tenant Assistance to find replacement structure, if desired Coverage of full cost for the total transport expenses for the removal of chattels Payments in lieu of business profits when enterprise is reestablished. 	<p>OR</p> <ul style="list-style-type: none"> Compensation for finding and acquiring a new locale Transaction costs (e.g., any utility hook-up or administrative registration fees) Compensation for disturbance based on current rent for same type of accommodation.
Business owner	Artisans & vendors	Loss of Business Location (note:	<ul style="list-style-type: none"> Assistance in finding a replacement property, if desired. 	OR

Category	Sub-Category	type of loss	Compensation	Supplementary Measures
(no legal right of occupation, with or without license)	in open spaces	land plot and structure are covered above)	<ul style="list-style-type: none"> • Replacement cost for any fixed structures or equipment (see infrastructure, below) • Cover full cost of transport expenses for removal of chattels, if kept on property 	<ul style="list-style-type: none"> • Compensation for finding and acquiring an alternative location • Compensation for disturbance based on current rent for same type of accommodation (i.e., payments in lieu of business profits while relocating)
Permanent employees of affected businesses, incl. apprentices		Loss of employment	<ul style="list-style-type: none"> • Payment based on current salary to allow for period of unemployment (i.e., period required for firm to re-establish itself in new locale) 	
Infrastructure		Other structures on property taken (fences, latrines, chicken coops, animal pens, outdoor kitchens, wells)	<ul style="list-style-type: none"> • New replacement cost of immovable infrastructure and fixtures 	
		Loss of portions of premises (e.g. paved floors, driveways, pavement etc)	<ul style="list-style-type: none"> • Replacement cost for portions lost permanently • Payments in lieu of business profits when business is closed. 	
Crops	Crops on owned land	Loss of crops	<ul style="list-style-type: none"> • Permit harvesting of mature crops OR, if not possible, pay value of crop lost at mid-point between two adjacent harvests. 	<ul style="list-style-type: none"> • Full replacement cost of any immovable fixtures (see Infrastructure, above).
	Crops on occupied land	Permanent loss of garden (e.g., roadside farm or vegetable garden)	<ul style="list-style-type: none"> • Same as above (that is to say, crops lost to project will be compensated at current market rate regardless of land tenure status) 	<ul style="list-style-type: none"> • Same as above

Category	Sub-Category	type of loss	Compensation	Supplementary Measures
Trees		Loss of economic trees	<ul style="list-style-type: none"> • Two saplings to replace each lost tree (in accord with Ghanaian law) • For timber trees: PAP may salvage tree and sell lumber • For fruit trees: Reimburse value of production lost during period while saplings come into production 	

6.0 Compensation Standards and Valuation of Affected Assets

This section describes the compensation standards that will be applied to the entitlements described in Table 6-1 and the valuation methods that will be used to arrive at the compensation that will be payable. The procedures to be adopted for the valuation of assets are also described.

6.1 Compensation Standards and Valuation Methods—Land, Property, Crops, and Trees

Table 6-1 summarizes the compensation standards and methods by which these will be derived. More detail is provided in subsequent paragraphs.

6.1.1 Land Acquisition

Compensation for permanently lost parcels of land will be valued at open market rates as determined by a qualified valuer.

Compensation for establishing new wayleaves will be based on an estimate of loss of productive value. If land cannot be reinstated to previous use, compensation will be based on the replacement value of the land. Any trees or structures lost as a result of new wayleaves will also be compensated.

TABLE 6-1
Compensation Standards and their Valuation – Land, Structures, Crops, and Trees

Compensation Category	Types	Method
Land acquisition (permanent acquisition)	Customary lands, private lands	Prevailing market value of the land to be acquired if open market, otherwise replacement value. Owner has the opportunity of being allocated a new plot if one is available and it is suitable to owner's needs.
Buildings and permanent structures (residential, non-residential and institutional) irrespective of legality of occupation rights of structure.	All immovable structures and physical assets including buildings, concrete floors, perimeter walls, wells, outbuildings, sheds, etc.	Replacement value equivalent to the cost of constructing a new structure of similar construction standard and size at prevailing prices. All administrative charges, taxes and utility hook-up fees will be covered. PAPs will be allowed to remove salvageable construction materials and this will not affect compensation.
Temporary structures (converted shipping containers, wooden kiosks) irrespective of legality of occupation rights	All structures that can be relocated either by moving structure or dismantling and reconstructing elsewhere	Full cost of removal to a selected location Full transport cost for movement of chattels to new location Full cost of disconnection and reconnection of utilities

TABLE 6-1
Compensation Standards and their Valuation – Land, Structures, Crops, and Trees

Compensation Category	Types	Method
		Loss of income for an agreed reinstatement period
Farm crops	Standing crops	Market value at time of removal. If land loss is temporary, additional payment for loss of next season's harvest if applicable.
Share-cropping	Standing crops	Market value at time of removal. If land loss is temporary, additional payment for loss of next season's harvest if applicable.
Standing trees	Cash value of trees, which will vary by type of tree (e.g. coconut, fruit trees, timber trees, shade trees, etc.)	Follow EPA requirement: market value at time of felling and planting two new ones elsewhere on owner's property or adjacent similar location felled.
Transaction costs		Lump sum to land and property owners for legal costs for acquiring new land / property
Disturbance allowance	-	10% of total compensation payable to specific households or businesses affected by loss of land or property.
Shared crop	Market value of crop at time of removal	Market value shared among the cropper and land owner according to agreed ratio
Tenant farmer	Market value of crop at time of removal	Payment of prevailing rate for land for a cropping season

6.1.2 Buildings and Structures

The replacement cost for buildings and structures will be calculated by reference to current unit construction costs for similar types of structure. Costs will include those related to reinstating utility connections. Unless there are exceptional circumstances, information on the costs of building materials will not be required. The LVD will be responsible for providing these costs in the first instance. If deemed necessary, these costs will be cross-checked against a survey of the costs of newly-constructed or under construction buildings.

For temporary structures (such as shipping containers, kiosks, sheds used as shops, and residences), compensation does not include replacement cost because it is assumed that the structure will be dismantled and/or relocated to another site. Assistance is provided, however, to cover the full cost of removal and relocation to another site.

6.1.3 Other Infrastructure

The replacement cost for fences, wells, paved driveways, chicken coops and other ancillaries will be calculated by reference to current unit construction costs for similar types of structure. Unless there are exceptional circumstances, information on the costs of building materials will not be required.

6.1.4 Crops and Trees

Compensation for crops and trees will be made to the principal cultivator—the land owner or the tenant farmer. To reduce losses to the farmer (and compensation costs), if feasible, land should be cleared following a harvest and before the next growing season.

Valuation of annual crops shall be based on the market value of income from one season’s production, using prices and information about potential yields from the local representative of the Directorate of Agriculture applied according to local market values and quality of crops. Similar rates shall be applied to the next season’s harvest, which will be compensated for if land loss affects the next, rather than current, year’s harvest.

If the LVD or Ministry of Agriculture does not have up-to-date compensation values for crops and trees, one of the following valuation methods will be used:

Obtaining current market prices from local markets. This is the preferred method because it is simplest and can likely be applied to crops and timber trees.

Updating recent market prices for crops and compensation values for trees using the consumer price index to allow for inflation⁸.

Estimating the net present value at the time of valuation: appraisers shall obtain updated schedules from the local representative of the Ministry of Agriculture as well as information about potential yields for each crop and time required for replacement crops to reach production. To calculate net present values, valuers shall modify and apply these schedule values and yield data according to local market values, age and size of individual affected trees, and quality of crops. This is a more complex method that should only be used if circumstances warrant.

6.2 Compensation Standards – Livelihood Restoration

This category of entitlements cover PAPs who, although they might not have ownership rights to affected land or structures, are current residential or commercial occupants of these lands or structures, will experience disruption to their living arrangements or livelihoods. The principal groups falling into this general category are residential tenants, business owners and renters of commercial premises, and their employees.

These impacts will generally be transitory because urban centers provide much greater potential for finding new accommodation, business premises, and employment than do rural economies. Nevertheless, adverse short-term impacts can be substantial—hence the need for assistance to facilitate relocation and livelihood recovery. Compensation should reflect the relative impact of the construction activity on the Project Affected Party. PS5 is triggered when an activity or request results in economic impact; when this occurs, compensation for economic displacement should be commensurate to the nature of the negative impact on the Project Affected Party.

Table 6-2 sets out the compensation basis for these entitlements and the basis for their calculation. Documentary proof will be required for any claims that exceed the current minimum wage, which can consist of rental agreements, receipts for wages, or business accounts or bank statements. For rents, reference will be made to rental levels in the neighboring area. For incomes, other data on earnings and salaries will be collected.

TABLE 6-2 Summary of Compensation Standards – Livelihood Restoration

⁸ If the consumer price index has separate components for food or selected crops, these should be used rather than the general index.

Category of PAPs	Sub-activity impact	Basis for Compensation	Period for Assessing Compensation*
Business & Residential Tenants	Loss of business/living quarters requiring finding new accommodation	Current rent	
Business Owners – temporary structures	Temporary loss of business premises	Current income	Provide assistance for moving to and from alternative site Pay for disconnection and reconnection of utilities

* Periods vary significantly between recent RPFs/ RAPs.

7.0 Stakeholder Consultation, Participation, and Disclosure

The ongoing exchange of information during resettlement is critical to timely completion and satisfactory compliance with best practices and IFC PS requirements. Therefore, two-way communication will occur throughout the preparation and implementation of the resettlement process.

Extensive, effective, and meaningful consultation and participation procedures are the cornerstone of IFC PS 5. They have the following overall objectives: (i) improving the design of the sub-activities through local inputs to the design process that reduce involuntary resettlement; (ii) ensuring that PAPs are kept fully informed in, and involved with the involuntary resettlement process, including entitlements and compensation standards; (iii) reducing delays in sub-activity implementation, which can arise if resettlement issues are not dealt with beforehand.

These activities will involve a combination of stakeholder consultations (including local leaders, municipal agencies and authorities, NGOs and community-based organizations, public meetings⁹ and face-to-face discussions and negotiations with PAPs. Consultations and discussions shall be supplemented by the disclosure of key documents (for example, this RPF and the RAPs) and the distribution of summary leaflets setting out key aspects of the sub-activity design, resettlement policies, eligibility criteria, entitlements, compensation standards, the grievance redress process, and the sub-activity timeframe.

Logs of all consultations (including dates, persons attending, main purpose of consultation, and a summary of the proceedings) will be maintained by the resettlement team¹⁰

⁹Where the Sub-Activity area is extensive and the number of PAPs large, multiple public meetings will need to be held. In these cases too, the desirability of holding meetings with different categories of PAPs should be considered.

¹⁰The Resettlement Team will be chaired by MiDA and have representatives from ECG or NEDCo depending on where the project is located, an Non-Governmental Organization (NGO) and the a representative from the Municipal or Metropolitan Assembly

These activities will take place through the sub-activity cycle, including post-construction monitoring. The most important of these consultations and participatory discussions will occur as outlined below.

7.1 Consultation Activities during the Design Phase

The MiDA ESP and Infrastructure teams, together with Project Management consultant (PMC) and ECG and NEDCo representatives, shall hold formal consultations with stakeholders during the preparation of initial and final sub-activity designs. They will seek suggestions and modifications to reduce involuntary resettlement without adding disproportionately to the cost of construction. They will also seek to identify potential sites where sub-activity components (for example, sub-stations) can be located outside existing ROWs and potential relocation areas for current residential and business occupants of the area.

At the same time, the utility representatives will hold informal discussions on the same issues with PAPs during their field visits to prepare and finalize the routing of the transmission lines.

7.2 Consultations Activities prior to RAP Preparation

An announcement will be made just before the issuance of the statutory land acquisition notices. As soon as practicable after this announcement, an initial public meeting will be held in the project area, at which sub-activity designs and resettlement policies will be presented; summary information leaflets in pertinent national languages and posters will be distributed (including the location where the RPF can be viewed); and the date and importance of the census and asset inventory will be announced.

Publicity for this meeting will be achieved through information flyers, press, radio, and word of mouth. Local officials and leaders will be informed directly.

7.3 Consultation Activities during RAP Preparation

During the census and asset inventory, field personnel will be expected to provide details as requested of all aspects of the resettlement process set out in the RAP. They will also work with PAPs to ensure that the required information, especially relating to the identity of PAPs and fixed assets, is accurately recorded.

Further public meetings will be held with PAPs depending on the size and characteristics of PAP groups to provide them with the opportunity to voice their concerns and make suggestions as to how the process can be improved. Consultations will be held with stakeholders on the critical issues that will be involved with RAP implementation regarding valuation, compensation standards, relocation, and timing.

7.4 Consultation Activities during RAP Implementation

Once finalized, the RAP will be disclosed in the project area, with summaries distributed in leaflets to all PAPs outlining the key stages in RAP implementation. A public meeting will be held to announce the processes for the valuation of assets and compensation entitlements of PAPs, the timing of these investigations, and the procedure for disbursing compensation payments.

Opportunities will be provided for every PAP to discuss individual valuations, compensation assessments, and relocation options (such as relocation to an identified site) because this process will involve the specialist assessment teams proceeding from PAP to PAP across the project area.

Later in the process, a similar procedure will be instituted to agree on arrangements and timing for PAPs to vacate the Sub-Activity area or relocate within it.

Throughout RAP implementation, the PAPs will:

- Have access to the team implementing the resettlement process; contact phone numbers and times will be widely publicized to PAPs.
- Have recourse to the grievance redress process.

7.5 Consultation Activities during Post-construction Monitoring

Consultation shall constitute a major part of the post-construction monitoring and evaluation system. These activities will include follow-up surveys (quantitative and qualitative) to monitor livelihood recovery as well as a final workshop to discuss the resettlement process as a whole to which PAPs' representatives will be invited.

8.0 Grievance Redress Mechanism (GRM)

8.1 General

The establishment of a GRM is a fundamental requirement of PS 5. The overall objective of the GRM is to provide an effective and transparent mechanism to allay PAP concerns and settle disputes that could not be resolved through the consultation and participation procedures described in the previous section, particularly the face-to-face meetings with PAPs. It is anticipated that these discussions will allay most PAP concerns and that the need to invoke the GRM will thus be substantially reduced.

The GRM will allow PAPs to voice concerns about the resettlement and compensation process as they arise and, if corrective action is needed, ensure that it is taken in a timely fashion. In so doing, the GRM will increase the transparency of the resettlement process, reduce potential delays to project implementation arising from unresolved disputes, and avoid the involvement of the legal system except in a small minority of intractable cases.

The GRM will be established and publicized to PAPs through the consultation procedures set out in the preceding section before the resettlement implementation process begins. The GRM will come into play whenever a PAP is dissatisfied with any aspect of the resettlement process and wishes to make a formal complaint.

The principal issues to be covered by the GRM are those related to: (i) requests for information; (ii) the inventory and measurement of assets that were missed during census, (iii) the valuation of assets, (iv) compensation awards and their disbursement, (v) matters related to physical relocation; and (vi) site clearance (vii) to the extent possible issues related to ownership and inheritance.

8.2 The Compact II Grievance Redress Mechanism

The GRM shall consist of a five-tier system:

- Local (sub-activity) level
- MiDA internal dispute resolution system (MIDRS)
- Project-level grievance resolution
- Land Valuation Board referral
- National legal level

The general process is that a PAP should first raise a grievance at the local level. If it cannot be resolved at local level, it is referred to the MIDRS. If it is not resolved at this level, it is referred to the Grievance Redress Committee (GRC). If this proves unsuccessful in resolving the grievance, the complainant needs to procure the services of a valuer and submit a report to Land Valuation Division (LVD) of Lands Commission and ultimately the courts.

The GRM described here is for PAP issues. Other interested parties have access to the Compact grievance system, described in the ESMP.

8.2.1 Local Level Grievance Redress

The local-level grievance redress process will be supervised by the Resettlement Management Team (RMT) established in MiDA but handled by the assigned officer in the MiDA's project office on site... He/she will receive, record name, contact, time of complaint. Simple enquiries will receive immediate response which shall be recorded, explained to PAP in a language they understand and signed (it could be thumb print for PAPs who cannot write) by both officer and PAP. This process will be facilitated by reference to the RAP database available to the officer-in-charge. In many cases, this will be possible because grievances will often relate to issues of inventories, requests for information, or to activities that have yet to take place, such as disbursement of compensation especially in relation to city ROWs.

When answers to enquiries cannot be provided immediately, the office will indicate this to the PAP and get information back to the PAP in three (3) days. Such information may be the response to the query or an invitation to meet the internal dispute resolution committee. It could also be because additional site visits and face-to-face discussions with the PAP are required to clarify the issues. If this visit results in a successful resolution, the PAP and the officer will sign the grievance redress form.

In rural areas probably in NEDCo project areas, PAPs who will need to travel long distances to make a complaint, will have Focal point persons appointed (a person who can read and write) to receive complaints and shall pass them on to the Project site office. Such focal point persons shall be resourced to commute or make phone calls. Where the grievance is lodged with a third party, they shall acknowledge receipt and be responsible for transferring the grievance form to the Project Office.

Where these grievances are resolved directly, a simple grievance redress form will be signed by both the complainant and the recipient.

In the ECG operational area complaints shall be received at the project site office or at MiDA. In addition to project site office and MiDA offices focal persons would be appointed in project areas. These persons like those in the NEDCo areas will receive complaints that they shall forward to the Project Office. Such persons would be most useful to persons living with disability, old people with limited mobility and poor persons who cannot afford the expense of traveling long distances to lodge a complaint. Focal persons shall be resourced so they commute to the project site offices when it is required and make phone calls. Where the grievance is lodged with a third party, they shall acknowledge receipt and be responsible for transferring the grievance form to the Project Office.

A simple grievance shall be resolved and the grievance redress form shall be signed by both complainant and recipient. If the Officer at the site office cannot resolve the grievance, the complaint will be sent to MiDA where all complaints shall be received by the Environmental and Social Performance Coordinator (ESPC). The ESPC will liaise with project directors and managers to resolve issues brought to her attention. When issues cannot be resolved at this level, then it shall be moved to the MiDA Internal Dispute Resolution System (MIDRS) and the PAP shall be sent an invitation that details out, date, time, location and purpose of meeting.

8.2.2 MiDA Internal Dispute Resolution System (MIDRS)

The objective of this MIDRS is threefold:

- to reduce dependence on the LVD, whose statutory procedures for dealing with appeals against valuations can be time-consuming

- to provide a system for resolving issues related adequacy of compensation which is caused by not considering some components e.g transport cost for chattels and hence
- to reduce the grievances related to valuations and compensation that have to be considered by the Grievance Committee (GC).

The MIDRS panel will consist of the Environmental and social performance coordinator, (ESPC), Distribution project director (DPD) or his representative (specifically an engineer from the project development team), Social and Gender Assessment Officer (SGAO) and the Internal Audit officer. Compensation awarded by this panel shall be signed off by the Environmental and Social Performance Director (ESPD) and submitted for payment. An amount shall be fixed during the RAP preparation, beyond which approval will be sought from the Chief Operating Officer, the Internal Auditor and the Chief Financial Officer before it is paid.

For larger claims (see below), the panel will be chaired by a senior member of the MiDA project management team (preferably the Chief Operating Officer). PAPs will have the right to be accompanied by their own valuer or representative who will be able to make representations on their behalf. The MIDRS will deal with the following types of grievances:

- Valuations of fixed assets, especially those that are of temporary construction. LVD will continue to deal with appeals related to valuations of land and permanent structures according to its statutory procedures.
- Compensation for improvements made by tenants that cannot be moved, such as windows, doors, internal modifications, utility connections.
- Compensation for loss of income.
- Disturbance/ moving allowances.
- Landlord/tenant compensation related to advance payments and rent arrears.
- Supplemental assistance

8.2.3 Project-level Grievance Redress

The Grievance Committees (GC) will deal with all resettlement-related grievances that have not been resolved at either local level or through the MIDRS. The number of GCs to be established will depend on how scattered project activities are across space. PAPs must not incur high transport costs or have to walk long distances to get to a grievance committee meeting. At a minimum, there will be committees for ECG sub-activities, for NEDCO sub-activities, and for Access and EE-DSM sub-activities in the ECG and NEDCO project areas.

The GCs will normally include a representative from each of:

- The local or municipal government representative
- A MiDA ESP representative
- An NGO working in the area;
- One PAP representing ECG or NEDCO sub-activity
- One PAP representing markets, if appropriate
- One PAP representing farmers, if appropriate
- One PAP representing economic enclave ¹¹, and any of these should be appointed by a trade association;
- The Ministry of Agriculture (only in rural settings where farmland is affected)
- A valuer or a quantity surveyor shall sit on committee if the sub-activity is in an urban area

¹¹ Trade associations – could be of the PAPs in urban road corridors, markets and economic enclaves. These need not attend meetings if issues are related to rural farmland

The GC should be chaired by the Environmental and Social Performance Coordinator (ESPC). Membership of the GC will be publicized throughout the sub-activity areas along with other details of the GRM. GCs will be mandated to provide a response within three (3) weeks of receiving formal notification of a grievance.

In cases, where further site visits, investigations, or discussions with the PAP are deemed necessary in order to arrive at an amicable resolution, a date should be planned with the complainant for the follow-up visit which should fall within the mandated three (3) weeks¹².

To facilitate the work of the Grievance Committee (GC), the RMT will supplement the grievance redress form with additional information relevant to the complaint and include an assessment for consideration by the GRC of whether the grievance should be accepted, rejected, or partially accepted with or without additional enquiries/ investigations being undertaken.

If the GC does not provide a satisfactory resolution for the PAP, he or she will be advised that they can seek redress through the legal system.

8.2.4 Land Valuation Division

Should a PAP be dissatisfied with compensation offered for land or other assets on the land, the PAP shall be allowed to procure the services of a valuer who will assess his/her claim, prepare valuation report that shall be submitted to LVD. MiDA shall also receive a copy of the report for record purposes.

Land Valuation would set up a meeting with the Valuer of the PAP who will have to explain what the basis of his valuation is. After that if negotiations are required, LVD will negotiate and come to a value acceptable to both parties. Should the value be higher than what was agreed, the PAP will be paid the higher amount. The services of valuers procured by PAPs are paid for by the Agency that for whom the expropriation has been done.

These negotiations usually take place after PAPs have received the rejected amount as part payment so it has been impossible to retrieve monies paid when LVD negotiations have resulted in a lower compensation. Since the negotiations are done by valuers who represent both sides; the PAP, the Government and MiDA would normally accept the value arrived at because it is accepted by both sides.

8.2.5 National legal level

A PAP that is not satisfied after exhausting the project/LVD level grievance redress can under the laws of the Republic of Ghana seek redress from the court.

9.0 Implementation Arrangements

This section sets out the implementation arrangements for Compact II sub-activities.

A description of the overall management structure is provided first, followed by a more-detailed exposition of the arrangements related to involuntary resettlement.

¹² Additional site visits and investigations should occur within the mandated 3 weeks designated for response so resettlement issues do not delay the handing over of work areas to contractors.

9.1 Compact II Resettlement Management Structure

A number of institutions will participate in implementing the resettlement/rehabilitation process. The ultimate responsibility, however, rests with the MiDA as long as the Compact is in force. For the purpose of this RPF, the activities of the major institutions are highlighted.

9.1.1 MiDA

MiDA will procure the services of a consultant who will be responsible for preparing the RAP and assisting in its implementation.

MiDA shall use bank and other established systems to pay compensations to PAPs.

RAP implementation will be funded through Compact funds and the GoG. Funds will be provided for paying all PAPs, compensation/reinstatement packages, training and the daily operations of the GRCs.

MiDA with the assistance of MMDAs shall ensure that PAPs comply with timelines set for relocation after PAPs have received payments

MiDA will also engage the services of a consultant to undertake an audit of RAP implementation shortly after it has been completed to the fullest extent possible.

9.1.2 Resettlement Consultant

The Resettlement Consultant shall be responsible for the following:

- Preparing all RAPs
- Lead planning and implementation of resettlement (compiling all documentation on PAPs needed for payment and other compensation)
- Liaising with MiDA to ensure that PAPs are paid expeditiously, and, in the instance of physical relocation, that PAPs are provided all necessary assistance.

9.1.3 ECG and NEDCo

ECG and NEDCo as IEs will assist MiDA in their respective areas, with planning, routing, designing, constructing, and operating all sub-activities that have the potential to require resettlement under Compact II.

9.1.4 Land Valuation Division (LVD)

LVD shall assist in any expropriation of land and shall assess compensation due persons physically displaced by any project sub-activities. To assess compensation, they shall inspect and reference the properties affected, and determine the displacement packages due those PAPs. The compensation valuation list from the LVD will be forwarded to the acquiring agency, MiDA, for processing for payment.

The LVD will advise MiDA on the amount of compensation to be paid to the owners of the affected properties and also will help resolve any grievances that have to do with compensations they have proposed.

9.1.5 Metropolitan Assemblies

The Metropolitan Assemblies will liaise with MiDA to enforce compliance with timelines set for relocation of occupiers of road corridors after they have received their compensations. Since the management of markets and economic enclaves also fall within their ambit, they will assist MiDA consult with operators and appoint a representatives for grievance committees that sit in their area.

9.1.6 Other Utility Agencies

Utility companies other than ECG and NEDCo that are likely to play a role in the resettlement schemes are Ghana Water Company Limited (GWCL) and Vodafone.

At the appropriate times, these agencies will disconnect and reconnect PAPs to their services before and after relocation as the case may be. Special consideration has to be given to PAPs so that they are treated as priority applicants for services in their new locations.

10.0 Arrangements for Planning and Implementing Compact II Resettlement Activities

10.1 Introduction

The institutional arrangements described below are likely to require some refinement to take into account the specific characteristics of each sub-activity involving resettlement, such as the number of PAPs, whether the area is rural or urban, types and severity of impacts and the phasing of design studies and construction activities.

10.1.1 Resettlement Management Team (RMT)

The RMT will be established as a sub-unit/ department / cell within MiDA because neither ECG nor NEDCo has significant experience in implementing resettlement in accord with international norms. However, to impart knowledge to ECG and NEDCo officers – that is, to say, to build national capacity, ECG and NEDCo officers will be assigned to the resettlement teams and will play an integral role in the resettlement process. Land acquisition will all be undertaken by MiDA with the assistance of staff of ECG and NEDCo who will help in the identification of plots of land to be purchased. Even though the Legal Department of ECG is well versed in land acquisition processes, under this Compact, acquisition shall be the preserve of MiDA, in close coordination with ECG Legal.

Data processing and management shall be undertaken by a junior assistant employed temporarily by MiDA to undertake these activities. In addition this assistant shall also put together all documentation needed for each PAP that is to be paid.

The Database shall be located on the MiDA server and access to the database will be limited to authorized persons which shall be the ESPC who shall coordinate and oversee all resettlement activity and the ESPD. The Database shall be available to the COO and probably the CEO but changes can only be made by ESPC and in her absence the ESPD. MiDA Information Technology Directorate shall ensure that backup of data is done both locally and in the 'cloud'.

Given the complexity of the resettlement process and the limited implementation capacity, the RMT will be supported by an experienced RAP consultant appointed by MiDA. The principal responsibilities of the RMT will consist of:

- Coordinating all resettlement-related activities.
- Liaising with the Metropolitan Assemblies to ensure that information on the resettlement process is widely publicized.
- Liaising with outside stakeholders to ensure that information, actions, inputs are provided in a timely fashion.
- Preparing the compensation packages for land and structure owners.
- Preparing the compensation/ assistance packages for structure owners on ROWs, non-owning PAPs, tenants (residential and business), and employees.
- Preparing the required internal progress and monitoring reports.
- Overseeing and contributing to the activities of MiDA-appointed consultants with responsibilities for RAP implementation (if applicable).

11.0 Preparing the Resettlement Action Plans (RAP)

11.1 General

Upon completion of final designs for various sub-activities, RAP preparation shall be commenced by the RAP Consultant. A good RAP -- and its effective implementation is critical in ensuring the success of the overall resettlement process.

The RAP provides the link between the RPF policies and procedures so that PAPs can recover pre-project livelihoods and living standards in the shortest possible time, and the sub-activity area can be cleared in time for construction to commence.

11.2 RAP Content

Table 11-1 provides a generic table of contents for a RAP prepared for Compact II sub-activities. The following should be noted:

The preparation and approval of this RPF will eliminate the need for reviews of legislation, comparison between national legislation and PS 5 requirements, resettlement objectives and guiding principles, and specifications of eligibility criteria and entitlements. It will also obviate any requirement to formulate valuations methodologies, institutional arrangements, grievance procedures from first principles.

The Compact II RAPs will be shorter documents than those prepared without the benefit of an existing RPF

Table 11.1 Generic Table of Content for a Resettlement Action Plan

Chapter	Heading	Summary Contents
1	Introduction	Description of the sub-activity and its potential land impacts
		Other potential resettlement impacts arising from sub-activity
2	Numbers and Characteristics of PAPs	Results of census and socioeconomic survey
		Magnitude of losses - land, structures, crops, trees
		Other impacts, such as on public institutions, cultural/ heritage sites, social organisations
		Cash compensation
		Assisted relocation (to identified sites) if applicable.
		Other assistance in cash or in-kind training
3	Resettlement Proposals	Compensation and assistance packages for each PAP category
		Relocation areas including integration with host communities (if applicable)
		Special measures for vulnerable groups, as appropriate
		Income restoration measures, as appropriate
4	Additional Issues	Any matter not covered in this RPF that, upon field investigation, turns out to be relevant.

5	Implementation Schedule	Activities, responsibilities and target dates
6	Costs and budgets	Including costs for training (capacity-building), resettlement personnel/ consultants, monitoring, contingency

11.1.1 Survey Requirements and Preparatory Activities

Previous sections have set out the policies for dealing with involuntary resettlement arising from Compact II. This section describes the primary field research necessary to estimate the number of PAPs, the impacts that they will be subject to (physical and economic), and the extent of their losses. This information is crucial to assessing the compensation, in cash and/or kind, to which each PAP will be entitled in order to mitigate the impacts of involuntary resettlement and loss of livelihood resulting from each sub-activity.

This field research will require two main surveys, which can be conducted concurrently or sequentially depending on the physical scope of each sub-activity, the number of PAPs, and the level of likely impacts. These surveys are:

- A full census of all PAPs to collect basic information on each individual;
- A detailed inventory of all fixed assets on the land taken, with evaluations; and;
- A socioeconomic survey to collect more-detailed information on the characteristics of the population in the project area(s) (will be carried out only if it is required)

Guidelines for the content of these surveys are set out below.

11.1.2 Census

The census will cover every individual who is directly affected in the sub-activity area and will obtain the following basic information:

- A GPS reference and an identification number painted on the structure¹³.
- Telephone or other means of contact for the PAP.
- Information on structure: type of construction and type of use, whether more than one establishment is operating from the structure¹⁴. Enumeration must also include enterprises operating from vacant or largely vacant plots, such as timber salesmen or car washes/ mechanics.
- A schedule of all persons living and/or working in each structure, including: age, sex, relationship to head of household/ employer, prime activity in project area (residence or business), economic activity status (active/ inactive, employed, employer, sole trader, etc.), land and housing tenure, length of residence/ employment in the Sub-Activity area, location of residence if outside Sub-Activity area when it is required
- Identity document (A nationally accepted ID) data and number of PAPs in each premises.
- Photographs of PAPs to be affixed to special identity cards that will be distributed to certify their eligibility for compensation – crucial if an identity document is not available. The unique identification numbers provided on these cards will be used for all future identification of PAPs during and at the time of negotiation and compensation. The census will be a required element of every RAP.

¹³If good quality maps or images are not available, an initial survey of all structures to provide a check on the coverage of the census should be carried out.

¹⁴If there is more than one establishment (enterprise) operating from the structure, separate survey forms will need to be completed for each.

11.1.3 Inventory of Assets and Economic Impacts

The asset inventory is crucial to the resettlement process because it provides the information needed to assess compensation for land and structures. Separate schedules will be required for land, house structures, and other fixed assets. For land, separate schedules will be needed for urban and rural land. The required information for each of these schedules is described below:

- Land (urban): size, type of ownership (legal title, customary, other, none), evidence of ownership, current use(s) (residence, business [type], cultivated, unused) with approximate areas, number of trees.
- Land (rural): size, type of ownership/ tenure (legal title, customary, other, none), evidence of ownership, current cropping pattern with approximate areas, list of trees by type, presence of tenant farmers with details (names, tenure and financial arrangements).
- Occupied structures (residential or commercial): type of construction, number of floors, use(s) and approximate dimensions¹⁵.
- Other fixed (immovable) assets: perimeter walls (with dimensions), external hard standings (for example, for car washes/ mechanics, filling stations), unoccupied sheds/ barns/ storage buildings/ annexes (with dimensions), and other fixed assets (such as wells).

Questionnaire about trader income, number of employees (if any) and other information pertinent to determining disturbance allowances for temporary and for permanent relocation.

Assets will only be inventoried if they will be affected by land acquisition/ relocation.

11.1.4 Socioeconomic Survey

The socioeconomic survey is only crucial for assessing the impact of involuntary resettlement on the PAPs when they belong to a community. It is our expectation that most of the PAPs affected by project activities would be mainly economically displaced persons in road corridors.

The socioeconomic survey when required, will collect information on both residential households and businesses that will have to relocate from the sub-activity area. The same information needs to be collected for both categories¹⁶. The following information needs to be collected over and above that obtained from the census:

- Household level information: Sex of household head, size; provision of utilities; numbers of employed persons, presence of elderly, chronically sick and disabled persons; receipt of any social welfare or means-tested related benefits; food and non-food expenditures; ownership of selected household durables; knowledge of and attitudes toward the sub-activity; estimates of value of structures and fixed assets; and preferences for involuntary resettlement and compensation.
- Individual level information: Economic status, employment and incomes (including second jobs and other income sources), education levels, household expenditures on food and non-food items, and length of residence/ employment in the project area.

The content of the socioeconomic survey will need to be modified for sub-activities according to their location in rural or urban areas.

¹⁵For complex plot situations, sketch drawings need to be made.

¹⁶This information is important to assess vulnerability of those working but not living in the Sub-Activity area.

11.1.5 Guidelines for Census and Survey when Required

A census is of all the project affected persons; i.e. those whose properties, businesses are affected. Such persons must be fully enumerated. However a socioeconomic survey shall be of a sample population of persons in the project foot print.

Similarly, the asset inventory should be undertaken simultaneously with the census. If it is not, households and businesses will have to be visited twice, which will increase the time needed to complete the data gathering. The asset inventory needs to cover every structure and business in the project area, but does not need to cover assets of other persons in a household who live and work outside the project area. If the asset inventory is undertaken simultaneously with the other surveys, enumerators should work in pairs.

11.1.6 Other Data Collection

Depending on the type of PAPs encountered, the impacts identified, and the comprehensiveness of the information held by the valuers, some or all of the following information will need to be obtained:

Details (for example, function, construction, land area) of any institution/ public or community building that will lose part of all of its land to the sub-activity.

- Land values for comparable plots in adjacent areas (from field survey and / or land brokers/ dealers)
- Construction costs for different types of house construction and size
- Rental levels in areas adjacent to the Sub-Activity area
- Data on incomes and earnings by type of job

Data should be disaggregated to the level closest to the sub-activity area, although it is recognized that in many cases disaggregation may not be possible in some urban and rural areas.

These data will be an important component of the establishment of compensation standards. The decision as to which of the above data sources need to be researched will be decided by the RMT once an indication of the main categories of PAPs becomes clear from the early results of the census and asset inventory.

11.2 Data Processing and Resettlement Database

All survey data need to be processed electronically as soon as possible after the questionnaires are returned from the field. The data need to be organized in such a way that they can be used for two purposes:

- To prepare the analytical tables needed for the RAP report.
- To create a database that will be used during RAP implementation to determine compensation payments for individual PAPs. An accompanying data dictionary/ manual must also be prepared to facilitate this task when the database is handed over to those responsible for calculating compensation payments and arranging their disbursement.

The RAP Consultant will be responsible for this task.

It is anticipated that permanent land acquisition outside the utility corridors will be limited and that where it occurs, the parcels required will be small and located on vacant or under-used land.

PAPs who are present in the utility corridors, most of whom are likely to be commercial, rather than residential occupants, will need to be relocated, at least temporarily. If closure will be short (e.g., a morning or an afternoon), vendors will be paid a 'lost business' fee for the time their enterprises could not operate.

If closure will be longer than a day temporary selling sites will be identified. However, finding new relocation sites for PAPs, even on a temporary basis may be problematic, particularly given their need to be close to passing traffic and the availability of vacant land. Therefore, a 'land for land' option in the vicinity of the sub-activity area will be explored with community leaders, local government officials, and PAPs if potential relocation sites are identified, and their suitability will be assessed by the RAP consultants. The

option of simply moving the structures back from the ROW so that they can remain in the same location also needs to be examined.

The identification of new sites for any institutions that have to be relocated will need to be actively researched and proposals made in the RAP for such sites to be acquired (if necessary). Few, if any, instances of such relocation are anticipated.

11.3 Assessment of Needs, Capacity-building and Training

MiDA will conduct an assessment of capacity-building training needs in ECG and NEDCo regarding the utilities' capabilities to plan and implement involuntary resettlement before the RAPs are contracted out. These could include training in some or all of the following: (i) an introduction to resettlement planning and implementation, with special emphasis of the PS 5 requirements; (ii) resettlement procedures and techniques, with particular emphasis on surveys, valuation, preparing compensation packages, consulting/negotiating with PAPs and the GRM; (iii) responsibilities of the RMT, with particular emphasis on the necessary coordination with other stakeholders; and (iv) undertaking consultations with PAPs and holding public meetings.

Participants should include all members of the resettlement unit and other management personnel and stakeholders as deemed necessary. The training sessions will need to be carried out at least twice: once for the ECG staff and once for the NEDCO staff. Further, for training needs follow up to be effective, MiDA RMT will provide follow on assistance on a periodic basis. This same training will be carried out with the construction contractors.

12.0 Monitoring and Evaluation

Regular monitoring and reporting are central to, and required for, effective management and implementation of the resettlement process. Resettlement monitoring and evaluation has two principal components—the implementation of resettlement (sometimes known as progress monitoring), and the short- and medium-term impacts of resettlement on the living standards of the PAPs (sometimes known as socioeconomic monitoring). Monitoring of the resettlement process is normally the responsibility of the resettlement unit whereas socioeconomic monitoring is normally undertaken by an external agency.

Particularly in the case of implementation monitoring, it is crucial that feedback be provided to the various agencies involved in the process so that identified problems can be resolved and avoided for the remainder of the resettlement process.

12.1 Monitoring and Reporting the Implementation of the Resettlement Process

This activity starts with the dissemination of the statutory acquisition notices and easement clearance notices and is completed when the construction of the sub-activity has been completed and all grievances resolved. This activity consists of producing and collating biweekly reports that contain the following information:

- Number of statutory acquisition and wayleave notices delivered and number outstanding;
- Number of PAPs who have left the area by type—that is, distinguishing between those who have lost land or structures and those who are having to find new residences or business locations, and number remaining;
- Number, type, and value of cash and in-kind compensation payments made;
- Number and type of grievances redress applications, type of grievance made, and manner and time of resolution;

- Issues brought to the notice of the resettlement team by PAPs; and details of any resettlement-related issues that arise and how they have been resolved (to be submitted by contractors during the construction phase);.

It is vital that these reports are disseminated throughout the sub-activity team so that appropriate actions can be taken to resolve outstanding problems and avoid the same issues arising during the remainder of the implementation process.

12.1.1 Socioeconomic Monitoring

The socioeconomic monitoring will require a very different procedure from progress monitoring. Its primary instrument will be follow-up surveys on a sample of relocated PAPs. The size of the sample will depend on the total number of PAPs affected by each sub-activity and the heterogeneity of the PAPs because the sample needs to provide information on the principal types of relocated PAPs, whether they are residents, business owners, or employees.

These follow-up surveys will cover the following topics: type of relocation, place of relocation, current type of tenure, changes in employment and incomes, perceived changes in living standards, how compensation payments were spent, perceived effectiveness of compensation disbursement and relocation processes, and suggestions as to how the process could have been improved¹⁷.

These surveys will not be easy to implement because the PAPs may not be clustered in one or two locations, hence the importance of obtaining phone contacts during the census. If PAPs are clustered, the survey and sampling will be more straightforward.

For smaller sub-activities (affecting up to 50 PAPs), the sample should be as near to 100 percent as possible; for sub-activities affecting 50 to 200 PAPs, the sample should be 50 percent with a minimum of 50 persons; and for sub-activities affecting more than 200 PAPs, the sample should be 50 percent up to a maximum of 200 persons. The sample would be drawn randomly from the census data.

These follow-up surveys need to be undertaken periodically to monitor the progress of restoring the PAPs' livelihoods. Four cycles are recommended: (i) at completion of the resettlement process (PAP satisfaction); (ii) at completion of construction (unanticipated difficulties); (iii) 6 months thereafter (unresolved difficulties); and (iv) 6 month after the previous survey (only for sub-activities involving higher numbers of PAPs who experience more severe impacts).

12.2 Evaluation and Reporting at Project Completion

12.2.1 Sub-Activity Completion

At sub-activity completion, the independent monitoring organization will conduct a completion audit of the involuntary resettlement process and the ensuing changes in the standards of living of PAPs. This audit shall be based on the monitoring reports described previously.

This audit needs to cover: (i) the numbers of PAPs relocated compared with the initial estimates; (ii) the compensation disbursed by type/ category of PAP, including the ability to comply with the terms of compensation contained in the RAP; (iii) the nature and extent of stakeholder engagement; (iv) an assessment of the effectiveness of the grievance process, including grievance resolution, corrective actions taken, and the monitoring thereof; (v) the extent to which PAPs have recovered their pre- sub-activity incomes and living standards; and (vi) any outstanding adverse impacts identified that need to be resolved before closing out the involuntary resettlement component of the sub-activity.

The sub-activity audits should be reviewed and discussed at sub-activity completion workshops attended by representatives of the PAPs who would be asked to give: (i) their assessment of the resettlement process;

¹⁷The design principle associated with this monitoring is to obtain both objective information and PAP perception.

(ii) the effects that this has had on their livelihoods; and (iii) suggestions as to first, what residual impacts they are still having to contend with, and second, what changes should be made for future projects.

12.2.2 Compact Completion

On completion of all Compact involuntary resettlement activities, a final monitoring and evaluation report should be prepared encompassing a review of all sub-activity resettlement audits. This Resettlement Implementation Completion Report should be discussed at a workshop attended by all agencies involved in the implementation of the Compact as well as local stakeholders from the sub-activity areas.

This report shall include a thorough 'lessons learned' section that covers all aspects of the involuntary resettlement process, including the relevant RPF and RAPs policies, compensation standards, disbursement procedures, and level of stakeholder consultation to improve the execution of this difficult yet crucial component of infrastructure projects in the future.

12.3 Approval and Disclosure of the RAP

The resettlement process cannot start until approval of the RAP by the MCC and its disclosure within the sub-activity area. The initial draft RAP will be reviewed by the project sponsor (ECG/NEDCo). Following amendments based on comments received, the Draft Final version will be prepared and submitted to MiDA/MCC for final approval. Once approved, the RAP will be disclosed in the sub-activity area at selected, accessible locations. Simultaneously, a summary booklet will be prepared and made available to all PAPs.

13.0 Resettlement Implementation

This section provides an overview of the resettlement implementation process and goes into detail about three key processes:

- Land acquisition
- Agreeing on compensation packages with PAPs
- Disbursement of payments and site vacation

Table 13-1 is supposed to outline the implementation process however challenges with sequencing and determination of when designs will be produced and therefore when RAPs can be produced have resulted in an inability to correctly predict when RAP preparation and implementation will commence. The conditions listed below are to assist readers understand why a proper schedule cannot be prepared at this point.

CONDITIONS THAT WILL DETERMINE WHEN RAP PREPARATION AND IMPLEMENTATION WOULD COMMENCE

1. Low voltage Bifurcation network improvement and sectionalizing and automation of MV networks are the only two Tranche 1 activities that may have some involuntary resettlement impact.
2. Designs for both activities are predicated on other sub-activities that have fairly long timelines; like GIS contractor's survey work which starts December 2016 and ends April 2017 and the Master planning which takes 18 months and ends October 2018.
3. PMC is expected to come on board August 2016 and yet Low voltage bifurcation and sectionalizing and automation of MV networks can only commence after October 2018 even though they are Tranche 1 activities.
4. First RAP on a Tranche 1 activity can only be delivered in the 2nd quarter of 2019, and that is assuming that by end of 1st quarter design has been completed for at least one construction

package. This is working on the assumption that with bifurcation no land acquisition would be required.

5. In initial discussions, it was proposed that all five (5) sub-stations be taken as one package for which a RAP would be produced. However on careful thought it seems as if a better option would be to take each sub-station and its interconnecting feeders as one (1) package. The outcome will be that five (5) RAPs instead of one would be prepared for the Primary sub-stations. The BSP may also require a separate RAP
6. If land acquisition for any of the sub-stations or BSP is through an **expropriation** process, an additional year would be added to the RAP preparation and implementation process. This one year would be for preparation and gazetting of Executive Instrument (EI), giving adequate notice to affected persons and receiving claims from persons who have an interest in acquired parcel of land. In addition, Land Valuation Division will have to inspect, reference and value all affected properties and submit Values before implementation can occur.
7. If parcels of land have been acquired by ECG for the BSP and the sub-stations as suggested in some of our discussions then RAP for these can be commenced four to five months into the design process, by which time, draft designs would have been prepared, the corridors would have been assessed for resettlement impact and the PMC would have concluded on what the route for the feeders will finally be.
8. It is expected that RAP for a construction package whether it is a LV bifurcation package or sub-station would take 3 months for preparation and 1 month for implementation.
9. All these conditions shall be reviewed when the PMC comes on board and his/her sequencing of works is better understood.

Table 13-1 below outlines the resettlement implementation process however no dates are attached. Dates can be included when the Project Management Consultant is on board and his work schedule can provide information required to complete this section.





Table 13.1 Implementation Plan for Compact II RAPs					
No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
1	PROCUREMENT OF CONSULTANTS				
2	Procure Consultants PMC, Design Consultant & ESHS Consultant	Preparation of RFP for the PMC	MiDA Procurement MiDA Procurement Agent MiDA ESP MCC Procurement	Lead Support Oversight	
3					
4	DRAFT ENGINEERING DESIGNS 				
5	NO LAND ACQUISITION REQUIRED- Bifurcation Construction Package 1				
6	ESP and Design engineers collaborate				
7	Identify IR issues	Walk the corridor with draft designs and identify IR issues	Design Consultant ESPC	Lead Support	
8	Minimize IR through project design	Maximize utilization of existing land Consider design options Consider alignment options Redesign to minimize IR	Design Consult (Consulting Engineers) ECG MiDA DPD / EPM /APM MiDA ESP	Lead Support Support Support/oversight	
9	Finalize engineering designs for Construction package 1	Put together finalized designs for submission to MiDA	Design consultant	Lead	
	Needs Assessment of KEY STAKEHOLDERS	Engage with stakeholders like ECG, MMDAs, assess their training needs	MiDA ESP	Lead	
10	PROCURE RAP CONSULTANT 				
11	FINAL ENGINEERING DESIGN DELIVERED				
12					
13	RAP & LRP PREPARATION PHASE				
14	RAP for Construction Package 1 – Field work				
	Training of Stakeholders	Prepare training material	MiDA ESP RAP Consultant	Lead Support	

Table 13.1 Implementation Plan for Compact II RAPs					
No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
		Plan training workshop Provide training			
15	Demarcation of resettlement corridor	Survey consultants will demarcate alignment Mark structures that shall be affected by physical displacement if available	Surveyors Consulting Engineers Surveyors MiDA ESP	Lead Support Lead Oversight	
16		Identify cases of economic displacements Find temporary relocation sites for economically displaced traders	RAP Consultant RAP Consultant	Lead Lead	
		Train enumerators	RAP Consultant	Lead	
17	Conduct census/survey	Identify PAPs Extent of Impact (temporary or permanent) Type of impact (Physical or economic)	RAP Consultant Surveyors MiDA ESP	Lead Support Oversight	
18	Publish Cut-off date	For economic displacement Publicize the cut-off date Have public announcements made by Information vans in project area	MiDA COMs RAP Consultant MiDA ESP	Lead Support Support/Oversight	As soon as census and survey is completed
19	Preparation & Submission of RAP for Construction Package 1				
20	RAP Preparation	Prepare and submit draft to MiDA for review	RAP Consultant	Lead	
21		MiDA share draft with MCC for comments	MiDA ESP	Lead	
22		MiDA share with EPA	MiDA ESP	Lead	

Table 13.1 Implementation Plan for Compact II RAPs					
No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
23	Collate all comments on Draft RAP & LRP	Collate comments from all persons reviewing documents	MiDA ESP	Lead	
24	Revision of RAP and LRP	RAP & LRP Reports revised according to comments received	RAP Consultant	Lead	
25	Submit RAP for approval	Submit RAP to MCC for approval	MiDA ESP	Lead	
26	RAP Approved	RAP & LRP approved	MCC ESP	Lead	
27	RAP & LRP disclosure	Place documents in Sub-metropolitan assembly offices Place public notices in widely circulated newspapers to inform PAPs & the public about the RAP & LRP	MiDA ESP Metropolitan Sub-Metro offices MiDA Communications MCC ESP	Lead Support Support Oversight	Immediately after RAP approval
28	Hold Public Fora	Publicize the RAP & LRP particularly Grievance Redress Mechanism	MiDA Communications MiDA ESP ECG / NEDCO / Access project representatives	Lead Support Support	Immediately after RAP approval
29	RAP for Construction package 2				
30	RAP for Construction package 3				
31	RAP for Construction package 4				
32	RAP for Construction package 5				
33	Last RAP approved				
34					
35	RAP IMPLEMENTATION FOR BIFURCATION				
36					
37	LAND ACQUISITION (EXPROPRIATION) AND RAP PREPARATION (FOR SUBSTATION & 33KV LINE)				

No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
38	Commence land acquisition for substations and 33kV line	Identify available plot and identify owner	ECG DPD	Lead support	
39	Trigger meeting of PSAC	MIDA sends request for land to Greater Accra Regional Minister	MiDA CEO MiDA ESP Lands Commission	Lead Support Support	
40		Lands Commission convenes site selection committee	Lands Commission	Lead	
41		Site selection committee meets	PVLMD MiDA ESP MiDA CFO	Lead Support support	
42	Survey and mapping of acquisition plan(s)	SMD carries out physical surveys and prepares acquisition plan	SMD MiDA ESP MiDA CFO	Lead Support support	
43	RSAC(s) reports to Regional Minister(s)	Decision is taken to acquire parcel of land	Regional Minister PVLMD	Lead Support	
44	RSAC(s) meets and approves acquisition	Acquisition of parcel(s) is approved	PVLMD MiDA ESP MiDA CFO	Lead Support support	
45	Preparation of Executive Instrument(s)	Drafting of EI	Attorney General's	Lead	
46	Signing of EI(s)	Signed by Minister of Lands	Minister of Lands PVLMD	Lead support	
47	Publication of Executive Instrument(s)	Place in highly circulated daily newspapers Post on properties on the parcel of land Hand out copies to occupants	MiDA COMMs MiDA ESP MiDA CFO	Lead Support support	
48	Waiting period				

No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
49	Inspection & referencing of affected lands and physically displaced structures	Inspection and referencing all affected lands and structures	LVD RAP Consultant Surveyor Design Consultant MiDA ESP	Lead Support Support Support Oversight	
50	Valuation of affected lands and affected properties	Valuers shall assess reinstatement package due each physically displaced PAP	LVD RAP Consultant MiDA ESP	Lead Support Oversight	
51		Offer letters distributed	ESPC MiDA ESP	Lead Oversight	
52		Negotiations completed	ESPC MiDA ESP	Lead Oversight	
53	RAP preparation	Prepare and submit Draft document to MiDA for review	ESPC		
54		MiDA share draft with MCC for comments	MiDA ESP		
55	Review and Comment	Receive MCC comments and review RAP document	ESPC MiDA ESP		
56	Revision of RAP	Finalize RAP(s) according to comments	ESPC MiDA ESP		
57	Submit RAP for approval	Submit to MCC for approval			
58	RAP approval	RAP(s) approved			
59	Compensation payments				
60	Process payments	Submit request for funds to CFO	ESPC	Lead	
61		Request forwarded to Fiscal Agent			
62		Funds released			
63		Cheques issued			



Table 13.1 Implementation Plan for Compact II RAPs					
No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
64		Dossiers prepared			
65	Landlord(s) & PAPs payment	PAPs & Land owner paid			
66	Vacation of site(s)	PAPs move structures and chattels	PAP RAP consultant MiDA ESP	Lead Supervise Oversight	
67	Sub-station site(s) cleared				
68	Registration of title				
69	Land Deed registered	MiDA submits deed document to LRD	MiDA ESP		
70		Land registered	LRD		
71		Land certificate issued to MiDA	LRD		
72	MiDA shall have title to Expropriated Land(s)				
73	LAND ACQUISITION- NEGOTIATED SALE (FOR SUBSTATION & 33KV LINE)				
74	Identify parcel(s) of land suitable for sub-station(s)	Identify owner and commence negotiations	ECG Engineers MiDA DPD ECG Legal MiDA GC	Lead in identification of land & owner Support Support Lead in negotiations	
75	Verify land ownership	Conduct a search at Lands Commission	MiDA GC Lands Commission	Lead Support	
76	Estimate price for acquisition	LVD valuers carry out a Preliminary assessment	LVD MiDA CFO	Lead	
77	Inspection & referencing of affected lands and physically displaced structures	Inspection and referencing all affected lands and structures	LVD RAP Consultant Surveyor Design Consultant MiDA ESP	Lead Support Support Support Oversight	
78	Valuation of affected lands and affected properties	Valuers shall assess reinstatement package due each physically displaced PAP	LVD RAP Consultant MiDA ESP	Lead Support Oversight	










Table 13.1 Implementation Plan for Compact II RAPs					
No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
79	Prepare RAPs for Sub-station(s)	Prepare and submit Draft to MCC for comments	ESPC MiDA ESP	Lead	
80	Collate comments on Draft	Receive comments from MCC	MiDA ESP		
81	Revise and submit for Approval	Revise Draft and submit to MCC for approval	ESPC MiDA ESP		
82	RAP approved	MCC approves RAP for implementation	MCC ESP		
83	Implementation of RAPs for Sub-Station(s)				
84	Payment of PAPs	PAPs paid by Ezwich or cheques Landlord paid by cheque	Ecobank MiDA CFO		
85	Vacation of site	PAPs relocate	PAPs		
86	Sub-Station Site cleared				
87	Registration of Land Parcel(s)	Title Deed submitted to LRD	MiDA GC Lands Commission	Lead Support	
88		LRD registers land	LRD	Lead	
89		Land title certificate handed over to MiDA	LRD	Lead	
90	MiDA shall have title to Lands acquired under negotiated sale				
91	Temporary dislocation (<i>for Bifurcation</i>)				
92	Identification of alternative selling sites	Identify a temporary selling site if possible where traders can move to while work goes on	RAP consultant MiDA ESP	Lead Oversight	
93	RAP APPROVED				
94	Economic dislocation compensation	Pay traders a compensation to close or relocate their shop to			

Table 13.1 Implementation Plan for Compact II RAPs					
No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
		selling site while work goes on			
95	Site cleared for bifurcation construction package 1 to commence				
96	Site cleared for bifurcation construction package 2 to commence				
97	Site cleared for bifurcation construction package 3 to commence				
98	Site cleared for bifurcation construction package 4 to commence				
99	Site cleared for bifurcation construction package 5 to commence				
100	RAP & LRP IMPLEMENTATION PHASE – parallel activities				
101	Sign MOU with MiDA Bankers	MOU will outline roles and responsibilities for MiDA and for Ecobank to provide teller services	MiDA F&B Ecobank MiDA ESP	Lead Support Support	
102	Design compensation delivery system	Select payment system that eliminates cash payments to every extent possible (Ezwich payments for small amounts & cheques or transfers for large amounts)	MiDA ESP Selected Bank MiDA F&B	Lead Support Support	

No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
103	Identify locations to be used for payment of PAPs affected by Bifurcation	Select possible locations based on areas affected and numbers of payments involved. It could be the contractor/consultants' site office, ECG / NEDCO offices nearby or a Resettlement Management Office procured for MiDA's use	MiDA ESP ECG / NEDCO Contractor / Consultant	Lead Support Support	
104	Recruit temporary staff	Temporary staff (RAP Implantation Assistants(RIA)) should be recruited to assist in payment of compensations	MiDA HR MiDA ESP MiDA F&B	Lead Support Support	
105	Prepare payment lists for PAPs	Lists of PAPs entitled to compensation should be prepared Contact the PAPs	MiDA ESP MiDA	Lead Support	
106	Request for release of funds	Submit list to CFO for release of funds to bank for payment of PAPs	MiDA ESP MiDA CFO	Lead Assist	
107	Pay PAPs	Inform PAPs of date, time and location for payments	MiDA MiDA ESP	Lead Support/oversight	
108	Account for funds Released	Bank tellers to reconcile payments to funds released Submit days records to MiDA ESPC (List of	Bank Tellers RIAs MiDA ESPC MiDA CFO MiDA Fiscal Agent	Lead Support Support Support Custodian	

Table 13.1 Implementation Plan for Compact II RAPs					
No.	PLAN	ACTION	PARTY RESPONSIBLE	CAPACITY	Timeline
		names, amounts and outstanding balances) Forward records to			
109	Receive complaints from PAPs	Complaints are received by the Resettlement Management Office or officers appointed in site offices to do same Complaints dealt with according to GRM	MiDA RMT Officers in Consultant's site office MIDRS Grievance Committees LVD, Courts MiDA ESP	Lead Support Support Support Support Oversight	
110	Monitor and evaluate progress of resettlement	Monitor rate of resettlement, extent of restoration within agreed periods	MiDA M & E MiDA ESP MCC ESP	Lead Support Oversight	TBD
111	RESETTLEMENT COMPLETION REPORT				End of Resettlement implementation

14.1 Land Acquisition

This subsection describes the statutory procedures that will apply where either permanent acquisition of private land is required or new easements need to be established (especially in rural areas). By definition, these procedures will not apply to occupants of existing ROWs.

At this stage it is not anticipated that there will be a requirement for the temporary acquisition of land because land will be obtained on a permanent basis or through the wayleave process. Furthermore, arrangements for temporary site access during construction that affect private land will be agreed through direct negotiations between land owners and contractors; this is normal practice.

14.1.1 Compulsory Acquisition

Compulsory acquisition means the taking of land or an interest in land by the GoG for public use under the laws of eminent domain (expropriation). It is carried out by systematically following the procedures and provisions in the enabling legislations (see Section 4). The main steps in this process are:

The agency acquiring the land (in this case MiDA) applies to the Regional Minister of the region where the land is situated.

The Regional Minister calls for a meeting of the SAC, which sits to consider two issues: (i) are there sufficient funds available to execute the project for which land is being acquired? and (ii) is there any alternative plot of land that can serve the same purpose?

The SAC then conducts a site inspection and advises the Regional Minister accordingly.

The Regional Minister then approves or rejects the application.

If the decision is affirmative, the Lands Commission proceeds with acquisition.

An EI is drafted by the Attorney General's Office and submitted to the Minister of Lands and Natural Resources for signature. Once the EI is signed, it is publicized in newspapers for 21 days. The acquisition process is coordinated by the Public and Vested Lands Management Division (PVLMD) of Lands Commission, which serves as the Secretary to the Permanent Site Advisory Committee (PSAC).

- Copies of the EI are required by law to be served personally on any person having an interest in the land or left with any person in occupation of the land; and served on the traditional authority of the area of acquisition, which shall request the chief to notify the people of the area concerned and affixed at a convenient place on the land.
- The LVD of the Lands Commission takes over and handles the operational aspects of the process once the EI is publicized. There is a statutory 6-month period after issuance of the EI for people to make claims.

14.2 Acquisition by Private Treaty

Private treaty is acquisition by negotiation and is normally employed where the site required is small (as would be the case for a substation), where ownership conflicts are absent, and there would be little impact on people or property. This approach is driven by the "willing buyer and willing seller" principle. Direct negotiations are held with the affected owners and an agreement is reached for the transfer of ownership of the property.

If land is to be acquired by private treaty for Compact II Sub-Activities, the following safeguards are necessary to ensure compliance with PS 5: (i) the owner must sign a statement that he has agreed to the sale in full knowledge that he could have refused and gone through formal expropriation process; (ii) that he is satisfied with the price received which he considers to be a fair price; (iii) the negotiator should provide evidence that the price granted reflects prevailing local market values. If these conditions are found not to have been met, MiDA shall be requested to pay the owner the difference between the actual market value and the price actually paid.

Acquisition by private treaty is recommended in IFC PS 5. One should note that: (i) it is a more expeditious method for both owner and the government to obtain land, with a consequent reduction in transaction costs; (ii) land purchases of Compact II will usually satisfy the conditions under which GoG obtains land by private treaty. Accordingly, land can be acquired by private treaty for Compact II Sub-Activities subject to the above-mentioned safeguards.

14.3 Establishment of Wayleaves

The legal procedure for establishing wayleaves has been described in Section 4. Essentially, there is a 1-week notice period, and compensation is paid if the land is not restored to its original condition and if more than a fifth of the land holding is required for the wayleave. The wayleave is established following the notification, although there is a right of appeal.

In order to be compliant with PS 5, compensation is paid for any standing crops, trees, and land where for example land has been taken for the installation of lattice poles that tend to have a fairly wide base in comparison to a wooden pole. The period of notice should be longer than a week and disputes should be resolved through face-to-face negotiations (see below) or through the grievance redress process before appealing to the legal recourse.

In practice, the period of notice is likely to be longer than a week because PAPs become aware of the sub-activity during RAP preparation, and construction activities cannot start until the RAP is approved.

14.4 Licensed Occupants of Existing Utility Corridors

Based on initial research, it is understood that some occupants of existing utility corridors, especially in urban areas, have obtained licenses from the municipal authorities to that enable them to occupy the utility corridor for business purposes until such time as the land is required by the relevant authority. These licenses are likely to include terms for the clearance of the ROW, such as issuance of a notice requiring clearance, and a time period within which this has to happen.

The municipal authorities/ municipal assemblies will need to prepare and issue the relevant notices to licensed ROW occupiers. As with wayleave occupiers, the period of notice will not be an issue given that RAP preparation activities will have alerted this category of PAP to the need to vacate well before the clearance notices will need to be issued.

These licenses will have no provisions for compensation for site clearance. The RPF provides for such compensation arrangements to ensure compliance with PS 5.

14.5 Unlicensed Occupants of Existing Utility Corridors

Persons in this category of the PAP have no legal right to be on the utility corridor, so they are not subject to any statutory processes for removal or notification thereof. These processes are, however, required under PS 5.

These PAPs will become aware of the sub-activity during RAP preparation, which also includes provision for compensation for fixed assets and potential loss of income and will be included into the procedures for negotiating and receiving compensation common to all PAPs.

15.0 Procedures for Agreeing on Valuations, Compensation, and Other Assistance

This section describes the procedure for agreeing on asset valuations, compensation payments, and other assistance with PAPs. These procedures will begin once the census, inventory of assets, and other data collection has been completed. The key activities are:

The LVD compiles initial offers of compensation for each PAP based on inspection and referencing of affected properties. The cost they will arrive at shall cover land, structures, other fixed assets, crops, and trees. According to current GoG regulations, the proposed valuations then need to be approved by the LVD's governing board. To avoid potential disputes, the LVD must work alongside the Resettlement Consultant who will conduct the census and socioeconomic surveys. However this will only be limited to PAPs that suffer physical displacements and lands that shall be acquired by expropriations.

The Resettlement Consultant will likewise compile initial assessments of compensation and other assistance that must be paid to PAPs that will suffer economic displacements. The payments shall be for transportation and other disturbances likely to occur due to relocation and livelihood restoration measures.

Each PAP shall have a face-to-face encounter with an enumerator who shall inform them of amount due and the basis for the package.

If agreement is reached, the enumerator and the PAP will both countersign the offer document.

If agreement is not reached, PAPs have the right to request a second visit which will be attended by the Valuer on the Resettlement Consultant's team. If agreement is reached, the assessment is signed by both the PAP and the Valuer.

If agreement cannot be reached, and a third visit is considered unlikely to resolve the issue, the PAP will be advised to have recourse to the grievance redress procedure or the Consultant can reconsider changing the alignment or design if it is possible.

During Compact I, MiDA set up an internal dispute system (the MiDA Internal Dispute Resolution System (MIDRS) to deal with valuation issues, especially those relating to temporary structures. Under this system, the PAP would accept the original offer subject to an appeal to the MIDRS and, if desired, appeal to the MIDRS for review of the matter. If the MIDRS decided in the PAP's favor, the additional compensation would be added to the original amount and the combined amount paid during the disbursement stage. The MIDRS approach will be replicated in Compact II, and has been written into the Grievance Redress Mechanism.

Copies of agreed offers will be provided to the PAPs along with conditions of the offer, principally clearance of the land and/or structure within a reasonable time from receipt of compensation. As is currently being tried in Ghana, payment shall be through electronic cards that can be redeemed at any commercial bank, by check or, in rural areas where banks are not available, by cash. Except for small amounts, payment by cash or open checks should be discouraged because it presents an increased risk for both recipient and deliverer.

Payments will normally be made to the named PAP. If there is a legal dispute over ownership, payments are suspended until disputes are resolved. However if the issue is in court, the monies shall be deposited

into an interest-yielding escrow account pending the final determination of the matter. The amount deposited plus interest thereon is payable to the person(s) so entitled upon the final determination of the matter.

15.1 Disbursement of Compensation and Site Clearance

This subsection describes the procedures for disbursing compensation payments and for site clearance. This stage of the resettlement process can begin once the funds for compensation payments and other assistance have been transferred from MCC to MiDA. Disbursement of funds shall be done by MiDA since it has prior experience.

15.1.1 Disbursement of Cash Compensation

As noted, disbursement can begin once compensation funds have been received by MiDA. PAPs can be paid as soon as they have agreed the compensation offers. The key stages in the disbursement process are:

- Notifying PAPs of the date and location where disbursement will take place. This could be in the PAPs' locations in the sub-activity area, preferably at MiDA, the nearest ECG or NEDCo office or a nearby office set up for the purpose within the sub-activity area. This notification will include details of what documentary evidence the PAPs need to bring in order to obtain payment.
- If a central location is used, PAPs should be assigned appointment times that do not result in overwhelming the disbursement staff by an excess of claimants. Irrespective of the location, adequate security needs to be provided to the team making the disbursements.

PAPs will have expressed their preferred method of payment when accepting the compensation offer. Those receiving substantial payments should be made aware of the security advantages of electronic transfers, especially the redeemable electronic bank cards or closed cheques issued by the Fiscal Agent on MiDA's behalf. This system worked well in Accra, but cash and check disbursements were the only option elsewhere.

Once compensation has been received, PAPs will be expected to vacate the site within the agreed time, for example, within 30 days.

- At the same time, PAPs will have been made aware, at least since the RAP census, a period of several months, of the eventual need to relocate. During this time, many will have begun making preparations for relocation, so a longer time scale for site clearance is not considered necessary.
 - PAPs should be encouraged to inform the RMT when they are planning to leave the area. Once the disbursement process is under way, the RMT will survey the sub-activity area on a weekly basis to record and monitor the departure of PAPs.

15.1.2 Providing In-kind Compensation/Assistance

The types of in-kind assistance that are likely to be required are:

- Transporting construction materials and chattels to a site of the PAP's choice;
- Relocating to a site identified by the RMT and,

Discussing arrangements for the delivery of these types of assistance shall be agreed with recipient PAPs on an individual basis.

15.2 Site Clearance Issues

One of the IFC PS 5 principles is that PAPs have no obligation to clear the site until they have been paid in full. Where compensation payments have been agreed, this principle will be upheld under all circumstances.

The gray areas arise when compensation payments have not been agreed with the PAPs due to:

- (i) unresolved compensation issues that have yet to be decided upon by the GC or the MIDRS;
- (ii) have been referred to the legal system; or
- (iii) Involve land disputes; or
- (iv) Landlord tenant disputes.

To delay the start of construction until all these cases have been resolved risks seriously compromising the construction schedule¹⁸. Therefore, the following shall apply:

With respect to (i) and (ii) , PAPs should be encouraged to accept interim payments based on the officially assessed compensation value, with any additional monies that may result from the grievance process being paid at a later date. A binding commitment will be provided to the PAPs that in this case.

It is the practice of ECG to avoid complicated resettlement issues by re-routing OH lines and UG cables whenever the occasion demands it. In the implementation of this Compact MiDA shall adopt this practice to ensure that projects are executed in a timely manner..

Landlord / tenant disputes can arise if either the tenant claims that he is due a rent rebate or the landlord claims that there is rent owing. Every attempt should be made to resolve these disputes through face-to-face meetings with both parties present. Until resolution is achieved, no payments will be made to either party.

Once the site has been fully cleared, the Supervising Engineer will issue a certification that resettlement has been completed and will issue a notice to proceed to the construction contractor.

15.3 Timeframe

It is not possible to specify a timeframe for completing the compensation disbursement and site vacation owing to the multiplicity of factors involved—site-specific circumstances, number of PAPs, type and severity of impacts, the time needed to prepare compensation packages, obtain LVD board approval, agree compensation offers with PAPs, and extent of appeals made.

Timeframes for implementation of the resettlement process are, however, a mandatory requirement of RAP preparation and will provide the reference points for the activities listed above.

¹⁸The civil works construction for the project can begin only once all PAPs have left the Sub-Activity area.